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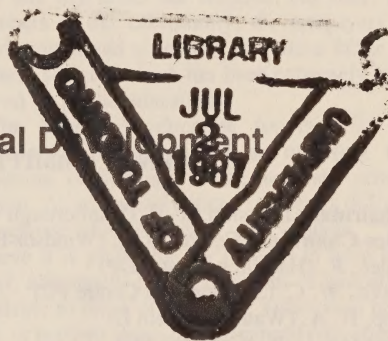
No. S-21

# Hansard

## Official Report of Debates

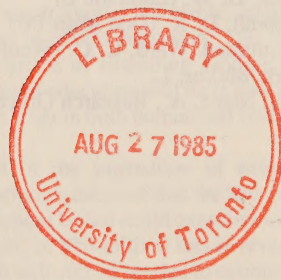
### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
**Education Amendment Act**



**First Session, 33rd Parliament**  
Thursday, August 1, 1985  
Morning Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Chairman:** Johnston, R. F. (Scarborough West NDP)

**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith

Clerk: Mellor, L.

Staff: Nigro, A., Research Officer, Legislative Research Service

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, August 1, 1985

The committee met at 10:33 a.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**Mr. Chairman:** Order. I have just learned that when the Vice-Chairman was in to replace me, a great deluge of smoke descended on the committee all of a sudden; I am shocked to hear that. I will have to talk to him personally.

I see a quorum. I call the meeting to order. Our first delegation is the Scarborough Board of Education. Patricia Collie is the chairman of the board. Come ahead, take a seat here and make yourself comfortable. Is there anybody else you would like to bring with you? You told me you have actually watched part of this on TV so that you know how we operate. We will get you to take us through your presentation in any way you would like and then we will field questions. Perhaps you should introduce your colleagues.

### SCARBOROUGH BOARD OF EDUCATION

**Ms. Collie:** With me is our assistant director of education, Cam Cowan, and our superintendent of finance, Don Mason.

**Mr. Chairman:** Welcome.

**Ms. Collie:** Just before I start, I guess I am a little shaken that you did not wait for Rev. Davis to hear the Scarborough board's presentation.

**Mr. Chairman:** He seems to have been deluged with ex-colleagues in the last little while. I am sure he will be here soon. I just like to try to start as promptly as we can, as soon as I see a quorum.

**Ms. Collie:** Thank you, Mr. Chairman, and members of the committee for allowing us this opportunity.

The board of education for the city of Scarborough is proud that it operates a system of public education built on tolerance, acceptance and openness. In an increasingly pluralistic society and at a time when financial resources are stretched to the limit, public education systems throughout Ontario are responding to the needs of a multicultural, multid denominational student population.

We can honestly describe the public school system in Ontario in three words: it works well. It works well because it is founded on the principle of equal access for all—equal opportunity regardless of origin, so that each child can achieve his or her full potential. If the provincial government enacts Bill 30, it will be like a stick, and a big stick at that, being thrown into the spokes of a smoothly turning wheel.

As the second-largest public school board in the province, the board of education for the city of Scarborough urges the government to abandon Bill 30. This legislation, which proposes to use public funds for sectarian education, will significantly alter the character and delivery of education in Ontario. As such, we are concerned with how this will affect our students, our staff, the members of our community, the ratepayers of Scarborough and ultimately the entire fabric of Ontario society, which has been extremely well served by public education.

The board of education for the city of Scarborough is on record as opposing the extension of funding to the separate school system. As we recently stated in a series of local newspaper advertisements, and I quote, "We believe it is preferable for Ontario to have one good, adequately financed system of education available to those of all faiths, rather than have two, or perhaps more, underfinanced educational systems, some of which may serve primarily those of one religious sect."

Implicit in our opposition to the government's plans to extend funding to the separate school system is our ongoing belief in a viable, relevant, thriving system of public education. The undemocratic imposition of extending funding to a separate system of education will have considerable long-term costs in both human and financial terms.

As a result of the imposition of extended funding, our officials estimate that the Metropolitan Toronto School Board could experience a six to eight per cent, or \$70-million loss in revenue, much of which will still be needed to operate our existing plant. This is at a time when costs are escalating and expensive services, such as those articulated by Bill 82, have been legislated into existence. This also comes during an era when provincial government support for education in

Metropolitan Toronto has dropped from 35 per cent in 1975 to approximately nine per cent in 1985.

The Scarborough Board of Education has little confidence that the current provincial government will be any more realistic or generous with its educational financing than the previous administration. Who is going to make up for the increased costs? Will the residential taxpayer, already overburdened in Metro Toronto, be expected to dig deeper? Once again, will the residential taxpayer be asked to pay the piper without being able to call the tune, as he has been asked to do so many times in the past?

I cannot help but think that the former Premier of Ontario, William G. Davis, shared these same concerns in August 1971 when he said, and I quote, "Argument is frequently made as to the financial implications inherent in the extension of public support for private schools. There can be no doubt of the substantial cost and, implicit in such an assessment, there must be the realization that the standards and quality of education would inevitably suffer, with their subsequent social implications, as the resources of our taxpayers came to be increasingly strained."

"Increasingly strained" barely describes the situation we will be facing if the current legislation is passed and the estimates of the Minister of Education (Mr. Conway) of \$80 million for the first year, \$150 million for the second and \$180 million for the third year of implementation are realistic. Former Premier Davis said it would cost \$40 million; the Minister of Education says it will cost \$80 million. What will the final price tag be?

Will the costs for extending funding to the separate school system not contribute to Ontario's economic crisis, so accurately described recently by the Treasurer (Mr. Nixon)? How will the provincial government explain an additional tax hike to taxpayers already threatened with rising costs for health care, transportation and social services?

As well, we must wonder how the government expects to implement a plan which was apparently so unpopular during the last provincial election. The cone of silence which surrounded this issue was an insult to the taxpayers of the province, and I believe the biggest single contributor to the defeat of the Progressive Conservatives. Surely the taxpayer was delivering a message, one that the committee members should heed and act upon.

10:40 a.m.

For educators, however, it is not in the pocketbook that we will be hardest hit. It is in the classrooms of the future. Declining enrolment, coupled with Ontario Schools, Intermediate and Senior Divisions, has created a critical situation where even large boards like Scarborough are having difficulty offering certain subjects, such as technological studies.

We could be facing even more acute difficulties in trying to provide a wide range of options as students transfer and our population further declines. Meanwhile, two full parallel systems of education will be competing for the same students and resources. We ask the committee members, where are the guarantees that the public school system will not become the reservoir of the hard-to-serve, high-cost student? We will resist any legislation that permits a school system, funded from the public purse, to handpick its student population to the detriment of the public school system as we know it.

Unlike the Minister of Education, we fail to see how Bill 30 will protect the viability of the public school system; indeed, it might do a great deal to destroy it.

As we stated earlier, we urge the provincial government to abandon Bill 30. The human costs inherent in this legislation are incalculable, as the government's decision to further extend funding to the separate school system will no doubt place employees' jobs in a precarious position. This is at a time when many of our highly trained staff are feeling the effects of declining enrolment and OSIS.

While Bill 30 does address the separate school's responsibility to hire designated teachers, we wonder about the following questions:

How long is the public board expected to pick up the tab for those designated teachers who cannot be placed with the separate school system? Will the provincial government compensate public boards of education which must keep nonworking staff on the payroll?

What will this do to the morale of the system, the morale of the teaching profession? Because of Bill 30's provision which says salaries and benefits must not change when staff transfer from one system to the other, could we have contract inequities and, in effect, staff covered by different bargaining units? The costs to administer these inequities could be horrendous. This probably would affect the separate board more than the public, but we are concerned.

Will displaced staff be given full portability with regard to benefits, such as sick-leave

credits? Will the receiving board pick up the responsibility?

Will a family have the right to declare its school support and the option to change it at the end of grade 8 be protected?

We ask the committee members to think in human terms of the secretaries, bus drivers, teachers and caretakers who would be displaced by Bill 30. Most of these people are highly trained, energetic staff, qualified to contribute greatly to education. They will contribute little if they are displaced by Bill 30.

These and several other areas in the proposed legislation convince us that the government of Ontario has lost touch with the governance and delivery of education at the local level.

Consider the issue of use of facilities. The board of education for the city of Scarborough objects strongly to Bill 30's guidelines concerning the transfer of property to the separate school board. Will the public school ratepayers be reimbursed for their portion of the costs of any buildings transferred? Will the government organize a cost recovery mechanism to compensate the public school board?

We also strongly urge the government to retain the present policy concerning industrial/commercial tax revenue. Any change in the way this revenue is allocated—for example, pooling—would drastically alter the public school system's position as taxes from Metropolitan Toronto would be shared province-wide. The Scarborough Board of Education rejects the concept of pooling commercial and industrial assessment and is especially opposed to any change that would result in taxation without representation.

We are also concerned that the proposal to fully fund the Roman Catholic system will lead to similar successful requests from other religious denominations and, later, to a variety of special-interest groups.

Those who support the unique claim for the state funding of Catholic education rely on the provisions of the British North America Act. It is extremely unlikely, however, that other religious denominations and special-interest groups in today's pluralistic society will accept as just the position that only one church-based educational system should receive full government funding. The precedent of Bill 30 will make it very difficult for future governments to withstand the pressure of other special-interest groups for similar funding of their schools.

In the long term, the vital, cohesive and unifying role that public education has played so effectively over the years in Ontario will be

severely undermined by the imposition of this bill.

To summarize, we must once again agree with former Premier Davis when he stated in 1971 that the full funding of the Roman Catholic school system would "fragment the present system beyond recognition and repair...to the disadvantage of all those who have come to want for their children a public school system free of a denominational or sectarian character."

We urge the committee members to take a realistic look at the operation of education in this province—to walk in our shoes, as it were—to appreciate the disillusionment of the public school ratepayers who rely on their local school trustee to protect their best interests.

I am sure you can understand my frustration, as a school board trustee and the chairman of a major metropolitan school system, at not being consulted before the provincial government announced it was extending funding to the separate school system. If the government is now bound and determined to go ahead with this plan, I urge the committee members to delay the enactment of this legislation to give it further study.

The board of education for the city of Scarborough will continue to make our system work for the students of Scarborough. We need Ontario to work with us, to acknowledge our quest to keep the public school system strong, effective and relevant. Our students deserve it, our staff deserve it, our taxpayers deserve it and our province requires it.

**Mr. Chairman:** I appreciate the forthrightness of the presentation from the Scarborough board. It is strange dealing with you across a long table like this, in comparison with the normal means of dealing with each other over the phone or over the kitchen table. I am sure members will have questions for you. I have one, just to kick things off before I develop a list.

You talk about the effects of OSIS on your capacity as a major board to produce good technological courses of study. I remember last year, in the first year of projections, a fairly large decline was projected for the number of students enrolling in grades 9 and 10 in the Scarborough system for technical programs. Has that continued into year two? What are the projections for this year? How is that affecting numbers of students and numbers of staff you expect in those areas?

**Ms. Collie:** I do not have any figures for this year; I do not know if Mr. Cowan has them. It was pretty bad last year. When we had to declare

teachers surplus in the secondary system, they were technical teachers.

**Mr. Chairman:** Do you have those figures, Mr. Cowan?

**Mr. Cowan:** We still have many surplus technical teachers this year. The decline has continued in the technology area.

**Mr. Chairman:** About how many surplus teachers are there, as a ball-park figure?

**Mr. Cowan:** Approximately 30.

**Mr. Chairman:** That is just in one board; and it has been happening across Metro, as I understand it. You are on the Metro board as well. Are all the boards being affected that way in Metropolitan Toronto?

**Ms. Collie:** I think so.

**Mr. Reyecraft:** Could we be told the number of secondary schools that are operated by the Scarborough board and the range of student populations in those schools? That would help us.

10:50 a.m.

**Ms. Collie:** There are 26 secondary schools and six are occupational-vocational schools. The number of students in the secondary schools in Scarborough would be about 30,000.

**Mr. Reyecraft:** What is roughly the size of the smallest and the largest school?

**Ms. Collie:** The smallest school, I think, would be one of our occupational schools. If you want to talk about academic schools, I think the smallest would be in the neighbourhood of 900.

**Mr. Cowan:** The smallest would be about 1,100.

**Ms. Collie:** That is better. The largest would be—

**Mr. Cowan:** About 1,900.

**Mr. Reyecraft:** I have one more question. What projections have you been able to make with respect to the impact of extended funding on the student population?

**Ms. Collie:** I think the last projection we had from our planning department was that we would lose in the neighbourhood of 3,000 students.

**Mr. Reyecraft:** I am sorry, I did not hear.

**Ms. Collie:** About 3,000 students, at a rough guess.

**Mr. Chairman:** Is that in total?

**Ms. Collie:** Yes, the first year.

**Mr. Chairman:** If I could follow up, because I do not have any members on the list, how does that square with the figures we have received

from the Metropolitan Separate School Board? I understand there has not been an interaction between the two levels, but they are talking about 70 teachers being needed for their estimates for this year across all Metro. I would presume, if you are predicting a 3,000-student drop this year directly attributable to the transfer and not to these other factors, that it would involve many more teachers just in the Scarborough board than they predicted for all Metro, or as many.

**Ms. Collie:** Our figures are a guess from our planning and operations department because, as you have already indicated, we have not worked with the separate board, nor did we appear before the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario. It is hard for me to relate back to what the separate board is projecting.

**Mr. Jackson:** Following on that point, what would be the decline in enrolment on a normal basis?

**Ms. Collie:** Our decline in the past few years has been about 1,000 students.

**Mr. Cowan:** It has actually been quite slight in the last few years; a very minimal decline.

**Mr. Jackson:** Have you got a number from your planning department of how many students you will lose in September because of declining enrolment?

**Ms. Collie:** We have, but I do not have it with me.

**Mr. Jackson:** Could we get that? I was trying to compare those who you believe may transfer because of the funding with the figure that is based on decline. You have a better fix on declining enrolment than you do on the one based on separate school funding.

**Ms. Collie:** We can send those figures in to the committee.

**Mr. Offer:** Is the 3,000 projection after full funding has been extended to all grades or is this just in the first year?

**Ms. Collie:** I believe it is the number we could lose in the first year. I am not saying we will lose them but that is the number it is possible we could lose to the separate system.

**Mr. Offer:** Could you indicate, to your knowledge, how that number was arrived at; is that Roman Catholic students throughout your—

**Ms. Collie:** In the public high schools. It is not all of them, no. I just cannot tell you exactly how that figure was arrived at; it was a projection done by our planning department.

**Mr. Offer:** I see.

**Mr. Chairman:** You do not know, for instance, if it includes students who are in Scarborough's elementary panel at the moment versus those who are in grades 9 and 10 going into grade 11?

**Ms. Collie:** I think it probably does include those in the elementary panel.

**Mr. Allen:** Just a final wrapup on that: as I understand it, you do not have any documenting of students' religious affiliations in your student records, is that correct?

**Mr. Cowan:** We do not have exact records, but we have very good estimates on it. Investigations showed about 10 per cent at the secondary panel.

**Mr. Allen:** How have you arrived at that?

**Mr. Cowan:** Those came from our planning and operations department. I could not give you exact details on how they were arrived at.

**Mr. Allen:** I was wondering whether you were using a sampling device or if you had circulated a complete survey. We have had some other boards who simply replied they did not know; they could not tell because they had no statistics on religious affiliation and could not tell us that without going through the exercise of the impact studies of the planning and implementation commission. That is the reason we are interested in knowing where that ball-park figure came from. If you cannot be more precise, there is no point in our pressing you on it. We accept your best estimate at this time.

With regard to your observations on the competition you anticipate between the two systems, does that lead us to conclude that with respect to Bill 30 you would prefer to see the provisions for student access tightened rather than loosened? There has been a lot of discussion of that in this committee.

**Ms. Collie:** Our concern is the competition for students. I have trouble seeing the separate school system accepting non-Catholic students. The bill says that, provided there is room, they could transfer into the separate system. In Scarborough there would not be any room. There is no room now, and I do not think there will be any. My other concern in this competition is, if there is room they will take the academic-bound students and the public system will be left with the hard-to-serve students.

**Mr. Allen:** With respect to the question of expanded new technical, business and other programs in the separate system, do you prefer to see that system become a full-service system on

its own or do you prefer the shared-service approach. Do you want to see them limited to the academic panel in terms of the competition and the cost?

**Ms. Collie:** If I have to accept the fact that the extension of funding is going through, I would like to see the separate board have to buy some services from the public board. I would hate to see any duplication of services because it is very costly. My board is on record as being in total opposition to the extension. I find it difficult to say we would like this or that when we are opposed to the extension.

**Mr. Allen:** Do you think the other system is likely to be more or less competitive if it is full-service or restricted to academic service?

**Ms. Collie:** If the extension goes through, I think they will be competitive and want to offer all services.

**Mr. Allen:** Is the likelihood of the academic elite image remaining as a competition factor going to be declining, in your estimation?

**Ms. Collie:** I am not so sure about that. I have trouble answering that. I think they would like to offer full services; I am not sure they will be able to.

**Mr. Allen:** But they will obviously be trying to work out the shared services, which this committee is urging them to do. That has been the general drift of the pressure we have been putting on witnesses. I just wanted to flesh out that bit on competition. It is a rather speculative kind of question. We are trying to get a hold on it ourselves, and we are glad to have your comments.

**11 a.m.**

**Mr. D. S. Cooke:** You mentioned in your brief, as have other people, the lack of consultation. As the chairperson of a major board, you did not like the lack of consultation. Say that the situation was ideal, what do you mean by consultation? How would you like to have seen that happen? What impact do you think it would have made before a final policy decision had been made by government?

**Ms. Collie:** First, the lack of consultation began last June when the then Premier announced in the Legislature there would be full funding. It was not just the school boards that were not contacted, it was the members of the Legislature as well. Then there was a provincial election and—

**Mr. D. S. Cooke:** The criticism has been the lack of consultation leading up to the then

Premier's announcement. I am just wondering what people really mean by consultation.

**Ms. Collie:** We would like to have had some idea that this was in the mind of the then Premier. And now, with the bill, we knew all three parties were in favour of it, but the bill has had two readings and who was asked anything? All that happened was the planning and implementation commission was set up. Being opposed to the extension, our board did not participate in planning and implementation because we support the challenge of the Metropolitan Toronto School Board in the courts.

**Mr. Chairman:** I wonder if we could try to contrast this to another major piece of legislation and compare consultation on that. What happened with Bill 82, which caused major changes, or with the OSIS document with respect to consultation with the board?

**Ms. Collie:** Fortunately, Scarborough was a pilot board for Bill 82 so we felt we had a lot of consultation. With respect to OSIS, again, there was time and opportunity to appear before the Renewal of Secondary Education Commission, I think it was; I forget the other one. Maybe we are not totally happy with the outcome but at least we had a chance to have our say.

**Mr. D. S. Cooke:** So basically, you would like to have seen maybe a discussion paper, whether you call it a white paper or whatever, leading up to the final decision to head in this direction.

**Ms. Collie:** That would have been preferable.

**Mr. D. S. Cooke:** The only other question I have is: a lot of public boards are saying to us they are worried about ghettoization—and I am a former trustee as well. They seem to think the public boards are going to be left with the difficult-to-serve students. I am not entirely sure what they mean by that. There seems to be a stereotype that students in the four-year commercial program—or whatever it is called now; you can tell I am somewhat dated by the way I refer to the different programs—at any rate, there seems to be a stereotype that the various types of students other than straight academic are hard to serve.

We were given assurances that eventually the separate school system will have a whole range of programs. However, do you not think it is somewhat unfair to use that kind of stereotype, whether it is applied to technical or other specialized students?

**Ms. Collie:** We have used it in that the programs we offer to those particular students,

particularly in our occupational and vocational schools, are very expensive. They are 50 per cent shop and 50 per cent academic. Those shop programs are very expensive to run.

**Mr. D. S. Cooke:** I agree with that, but "difficult to serve" says something about the students. I do not particularly like that kind of approach; I agree about expensive programs.

**Ms. Collie:** I can understand your concern with the phrase "hard-to-serve students," but some of them have very severe behavioural problems and other handicaps as well.

**Mr. Chairman:** Mr. Davis, Ms. Collie was anxious for your arrival.

**Mr. Davis:** I just want to say I would have preferred to be here at the starting hour of 10:30. However, the Don Valley Parkway is an excellent place to sit in the midst of traffic.

**Mr. Chairman:** You do not call it the Scarborough expressway.

**Mr. Davis:** I want to apologize to my ex-colleagues. I intended to be here and got caught on the roadway.

**Mr. D. S. Cooke:** I hope you were reading briefs on the way.

**Mr. Davis:** I sure was.

**Mr. Chairman:** You were using your time positively. Mr. Ward had a question.

**Mr. Ward:** I want to come back to the estimates in regard to the student transfers. Basically, in the course of your presentation you have indicated expectations of a shift in enrolment of 2,000 to 3,000 students. I believe that was your estimate, yet you are not able to indicate to us on what that estimate is based.

By the same token, I believe the gentleman over there estimated that 10 per cent of your student population was Roman Catholic. Are you not coming in here with an assumption that all the Roman Catholic students within the Scarborough system are going to transfer? I do not believe that has been the experience of boards throughout the province.

I am having trouble accepting that you would come in here and say, "We anticipate 3,000 students. We have no hard data to base that upon, but it would appear that our population consists of approximately 3,000 Roman Catholic students."

**Ms. Collie:** It is an assumption and we will, as we indicated, send that information to the committee. It is not just 10 per cent of our secondary population; some of our elementary population would be included in that.

**Mr. Ward:** I am just trying to correlate the two pieces of information. It would seem to me you have made a 100 per cent assumption.

**Ms. Collie:** Our total student population in Scarborough is in the neighbourhood of 70,000 plus.

**Mr. Ward:** The other question I have is a very general one, and I believe it is one I will be experiencing with boards in my own riding. You indicate you, as a board, are opposed to the principle of the extension of funding. Many people, of course, have come before us and conveyed that. This committee is not charged with the mandate to examine the appropriateness of the legislation but, in fact, to deal with the specifics of it. However, certainly a lot of people have taken advantage of it to indicate their opposition to the whole principle.

But in decrying the lack of consultation by the government in deciding to embark on this process, it concerns me that you indicate you have not appeared before the planning and implementation commission. You have been aware for over a year, as have most boards, that this was the likely course of events, that full funding would be extended. Yet there appears to be a reluctance to deal with the issues, to deal with the separate school board in your area, to come before the planning and implementation commission.

I will just put a very blunt question to you. Do you think that is a responsible course of action, basically to ignore what everybody anticipated in this province over the course of the past year, and, just on the basis of your opposition, not to take advantage of your opportunity to examine some of the ramifications and prepare for implementation?

**Ms. Collie:** First, we do consult on an ad hoc basis with the separate board. We are not dealing with extension but working out and trying to share where we can. On matters of concern to both of us we try to work things out. We do not take it as far as extending the funding. We will deal with matters with them up to the end of grade 10. We have been doing that over the past several years, although we do not meet very often because we have difficulty coming to terms with some of the things.

As far as the planning and implementation commission goes, when the announcement came last June, the Metropolitan Toronto School Board then consulted J. J. Robinette to get a legal opinion, as you all know. The Scarborough board is a member of the Metro school board and supported the Metro school board position on the

constitutionality of the whole matter. In taking that position we felt we did not want to weaken the case before the courts by going to the planning and implementation commission.

**11:10 a.m.**

**Mr. Ward:** I am not sure I understand that. Your opposition is to the whole principle of the extension of funding. My understanding is that one of the functions of the planning and implementation commission and one of the functions of consultation between the two boards is to try to anticipate and address issues of implementation. I do not see how exploring some of the impacts of implementation would weaken or strengthen your case before the courts, which is against the principle of funding.

**Mr. Chairman:** Was the advice you received from Mr. Robinette that it would or was it just a decision of the board that it might?

**Ms. Collie:** It was a decision by our local board to support the position of the Metropolitan Toronto School Board.

Again, if you are opposed to something it seems to me that you are talking out of both sides of your mouth, if on one side you are opposed to it and on the other side you are going to sit down and try to work out something that will make it work. If you are opposed, you do not want to make it work. I guess that is the simplest way I can put it.

**Mr. Ward:** I can understand all that. What I am wrestling with is the responsibility of the board to the ratepayers, given that over a year ago there was a clear indication this was going to take place. The opportunity was there for legal challenges, but in the end the boards have responsibility to serve and act in the best interests of the ratepayers. I, for one, do not believe that is done when there is no consultation or no attempt to address the issues of implementation.

**Mr. Chairman:** It is an autonomously elected board which has the same kind of accountability we have. It has made its decision, as it has a right, on this.

**Mr. Ward:** Absolutely. I do not question its right to do that, but I do not agree with its decision.

**Ms. Collie:** We have 14 public school ratepayers on our board elected by public school ratepayers. We are representing those public school ratepayers.

**Mr. Ward:** I am not questioning your right. I am questioning your decision.

**Mr. Chairman:** You can choose to disagree. Mr. Epp, you had a question.

**Mr. Epp:** With respect to the number of elementary school students you think you are going to lose to the separate school system, do you think there will be an increase in the number you are going to lose because there is a completion of full funding at the grades 11, 12 and 13 level?

**Ms. Collie:** From the elementary panel?

**Mr. Epp:** Yes. You included them in the numbers. I wonder whether you expect an increase there.

**Ms. Collie:** I think so. Many Catholic parents sent their children to the public elementary school knowing they could not pay the fees beyond grade 10. Probably they did not want their children to transfer after grade 10 into the public system if they put them in the separate system. If completion takes place, if I were a Catholic parent who wanted a Catholic education for my child, I would start that education right at the kindergarten level knowing it could be completed through that system.

**Mr. Epp:** There is full separate school funding at the elementary level and the children have to change at the end of grade 8 anyway. Whether they continue in the separate school system or in the public system does not make too much difference, provided the parents can afford to pay the extra money. They have to make that change anyway.

**Ms. Collie:** At the end of grade 8.

**Mr. Epp:** Yes.

**Ms. Collie:** If Catholic parents are committed to Catholic education in the elementary panel, they will try very hard to get their children into the secondary panel in the separate system. But a lot of people out there know full well when it comes to the high school level they are not going to be able to pay the fees beyond grade 10, so they put their children right from the beginning in the public system.

Part of it is a social thing. Their children stay with the kids in the neighbourhood and they grow up with them. The parents know they are going to keep them there for the rest of their schooling. If this extension takes place, it may work the opposite way. They will put them right into the separate system knowing full well they will stay with those same children right to the end of their schooling.

**Mr. Chairman:** That has been one matter that continually comes up. It fits your estimate of how many students you see transferring this fall. Different boards seem to have different times when they feel they will know exactly how many

students are going to be enrolled that fall, how many teachers they are going to need and that kind of thing. What is the date when you feel you will know how many students there will be in Scarborough? Does that happen only after registration takes place in September? What is your date when you set your best estimate for the fall planning?

**Ms. Collie:** We staff on September 30 after the students are actually in the school.

**Mr. Chairman:** It is done that late?

**Mr. Jackson:** In order to fix the pupil-teacher ratio and the number of teachers—

**Mr. Chairman:** Can you pick up Mr. Jackson? Say it again Mr. Jackson, but on the Hansard.

**Mr. Jackson:** That date has to be fixed for purposes of staffing so the federations, trustees and administrators can agree on the number of staff. It is in flux up until that point.

**Mr. Chairman:** You must estimate prior to that. I presume you have five-year projections and that kind of thing. When do you have your actual projection for the coming fall?

**Ms. Collie:** About April, but then teachers can resign up to May 30. You have these things which enter into it that really make it very difficult these days to staff. Our staff allocation is based on our September 30 enrolment.

**Mr. Chairman:** That is why I continually get confused about the common date in the act which is required for these estimates. I am not sure I understand how boards are supposed to be able to do that. Can the ministry perhaps explain to me? Under the bill, they are coming up with an arbitrary date to establish that. How are the boards supposed to know—if they operate under the Education Act—by the late September date? How are they to plan in advance how many students will be moving and that kind of thing?

**Dr. Graham:** There is a regular submission for revised estimates in the fall that we pick up. It is shortly after September 30. Then we would recalculate on that basis.

**Mr. Davis:** If I can try to clarify it for you: as I understand it, and I can be corrected, sometime in the late spring the boards make an assumption about how many students are going to come back. With that they begin to plan their programs on an assumption that X number of students are coming back. Some boards will at that point bring in a total teaching range to fulfil that commitment.

Other boards will say, "They may not all be back and we may not staff to the total level." If you read the Metro papers, in September you will find some boards indicating it looks like they are going to have teacher layoffs, but the students who were out working came back in by September 30, and they picked up the teachers that were going to be declared redundant.

There is an estimate done in the spring, but it is only an estimate. It allows the principals to program for the students based on the assumption that a lot of them are going to come back and it allows them to declare surplus teachers at that point as well.

That is why you have the problem with surplus teachers; some are declared May 30, but in reality they may be picked up in September once the final figures come back.

**Mr. Chairman:** Is the date for designation not going to be May 30 under the act; or am I incorrect about that?

**Dr. Graham:** The designated list?

**Mr. Chairman:** The designated list.

**Dr. Graham:** As it is written now it is open. That is according to planning and implementation commission guidelines. In one of the earlier versions we had a date but it has been taken out in this last one.

**Mr. Chairman:** All I am trying to do is point out the difficulty I see if you set up a designated list based on seniority or volunteers, or whatever, in May. That is accepted by the commission. Then there is this readjustment that takes place in September. People who might have been designated and who started work in the Catholic system might find they actually could still have had the job in the public system at the end of September.

11:20 a.m.

**Mr. Davis:** That is why some of the boards appearing before us have indicated it is very difficult for them to give us an estimate of how many students are now transferring across and how many teachers they will lose. You have hit on an area we should examine as we go along in the committee.

**Dr. Graham:** Probably in the second last version we had a very early date. I think it was the end of January. Due to the response we got from that date, it was reworked to be determined by a guideline by the planning and implementation commission.

**Mr. Chairman:** Has that guideline been provided to any of the boards as yet that we know

of? Do we have an idea of what that is going to say?

**Dr. Graham:** No, I do not think they would have had the time to do that yet.

**Mr. Jackson:** The end of January date is always suspect because of the semestered school.

**Dr. Graham:** Yes, that was another point that was raised at the time.

**Mr. Chairman:** I have no other comments from members. Are there any concluding remarks you would like to make?

**Ms. Collie:** I do not think so.

**Mr. Chairman:** It is always a pleasure to see you. Thank you for coming before us today. We appreciate the input.

Our next delegation is Mrs. Deirdre Hughes of St. Michael's separate school parents committee. Is Mrs. Hughes here?

I gather she is not. The clerk made an attempt to see if she was in the halls. As we are 20 minutes past the time she was due, I will call the next delegation. Mrs. Gayle Barnett.

Gayle Barnett

**Mr. Chairman:** Members have this brief, it is exhibit 136 which was distributed earlier today. You have to be cautious, Mrs. Barnett, there is a microphone in front of you which picks up for Hansard, so speak towards it rather than leaning back too far. Otherwise, just be as relaxed as you are able.

This is a relatively informal kind of process. You can take us through your brief in any way that you like, either highlighting or reading it through whichever you feel most comfortable with and then we will open it up to questions and comments from the members after that.

**Mrs. Barnett:** I drove down from Bracebridge yesterday. I guess there have been some revisions in the brief. I appreciate the opportunity to address this committee. It is as important to hear from individuals as well as the so-called professionals because it is the individuals who are going to pay, in money terms and in social terms.

Please allow me to express my gratitude for this opportunity to share my concerns with this committee. Over the next few weeks and months in many communities across this province you will be hearing from hundreds of individuals with many varied opinions on the extension of public funding to separate schools.

Most people will probably be reasonable and rational although you will also hear from the bigoted and the hateful. I hope you will recognize

that a difference of opinion does not necessarily mean one belongs to the latter group. Such is the nature of Bill 30. It will bring out the best and the worst of what exists in our province.

I am a parent and taxpayer from Bracebridge with two children currently in the public school system. My children attend classes with Catholics, Protestants, a few Jews as well as non-denominational students. I do not feel this will handicap them in the future because they are learning that Ontario is made up of individuals, that all people are not of the same creed or colour, that there is more to society than the differences that separate us.

Imagine if you will what it might be like in Iran, Lebanon, India and Ireland if students there could learn what ours already know. Bill 30 may not be all bad for Metropolitan Toronto and other large urban centres academically or socially, but for smaller communities, such as Muskoka, the consequences will be immediate and personal.

We in Muskoka are not more bigoted and hateful. We are more interactive. Bill 30 means that friends will have to choose a side, with far-reaching consequences, not only on friendships but also on our community. The decisions will have a direct impact on the educational system that exists not only in Muskoka but also in hundreds of communities across this province.

Some of my very best friends happen to be Catholic. I can only hope this type of statement will not be taken out of context, that it will not violate and degrade the trust and shared interest to such an extent that it will destroy those friendships I value dearly.

When Bill 30 is passed, the separate school system will be introduced into our community and receive government funding to duplicate the services already in existence. Duplication costs money and money is hard to come by these days.

There are schools practically falling down in this province that will not qualify for capital funding for up to five years because there is no money. High-technology programs and facilities across this province are not available to thousands of students because there is no money. Children requiring special education programs are on waiting lists because there is no money.

To duplicate along sectarian lines all the things that are not available, and will not be made available because there is no money, we have \$80 million this year. Assurances there will be no adverse effects on the public school system are difficult to accept at face value.

This \$80 million is being taken out of circulation for duplicating the system. There will

be movement from one system to another that will create a decline in enrolment in the public school system. Therefore, some of their programs will be curtailed or eliminated. Who will we blame for this: the Ontario Legislative Assembly at Queen's Park in Toronto or my Catholic neighbours and friends who by their choice may destroy my child's educational opportunities? Conversely, what will be the reaction of separate school supporters towards Catholics who do not opt out of the public school system?

You cannot legislate against community reactions to these choices. By virtue of having Bill 30 before this committee, the Legislative Assembly of Ontario accepts the legitimacy that one religion, and one religion only, is able to wield its spiritual power in the temporal arena with impunity, regardless of the consequences.

I do not believe there is a significant anti-Catholic sentiment at play at this time. Most people are fundamentally opposed to duplicating the system at great expense, and not only in dollar terms. They are also opposed to not being equal before and under the law. One religion is allowed to proselytize up to 25 hours a week, while everyone else must settle for 25 minutes outside the educational system.

Religious instruction aside, after Bill 30 is passed and decisions are made on which system to support, where and when will we socialize? Where and when will our children interact as human beings? Where will we find the common ground?

We have a large cottage population in Muskoka, many of whom are not even Canadian citizens. None participates in the educational system. As in all communities in this province, our senior citizens, those without children both married and single, pay school taxes without discernible benefits. Philosophical arguments that everyone benefits may be somewhat strained over the next few years as the quality of education deteriorates across the province in both systems.

Our American neighbours who own property in Canada and who pay their taxes will be forced to choose between the public and separate systems. Some of these individuals are Catholic and as provided in the United States Constitution may fully support and endorse the separation of church and state. We find that even cottage associations are embroiled in the issue of education based on religion. Bill 30 could have far-reaching consequences, both provincially and internationally.

Cottagers, who contribute a significant portion of the education tax dollar in Muskoka, will have to decide which system to support without realizing what happens there now. Children are bused to their designated schools regardless of religious affiliation. They share the same playground. Battles that occur are fought for good, solid, kid reasons. Gangs of Catholics do not fight territorial battles against gangs of Protestants in our schoolyards, parks or neighbourhoods.

What I hope you as a committee understand and pass on to your colleagues is that by creating a complete dual system we will need two busing systems over a vast area, two boards with senior administrators and the inevitable administrative personnel to provide the programs that survive. We will not have an increase in student population; we will have a depletion in one system in order to create another.

This exchange will not create two viable systems. At this time, the public boards consider nonviable a secondary school with fewer than 500 students because the school is severely restricted in the number of programs it can provide. Choices have to be made between providing strictly core subjects or offering nonacademic options to increase the opportunities for students to maximize their potential and broaden their interests.

To provide some options at one of our high schools, grade 13 chemistry will be offered every other year beginning in 1986 with grade 13 physics in alternate years. This is done because there are not enough students to warrant full-time annual programs, but it also ensures there will be typing, music, visual arts and some shop options. The above exist at this time in a secondary school in Muskoka under a single system.

### 11:30 a.m.

Once full funding proceeds, there will be a further decline in enrolment. As this occurs, optional courses will be further restricted or eliminated. Special education programs will also have to be severely curtailed.

The separate school board will want to ensure it has a full academic program in place so it can continue to promote itself as an alternative to the public system. It will not have special education as one of its top priorities. Because of declining enrolment, the public system will have neither the funds nor the ability to provide the programs, regardless of the experience and the expertise it has developed over the past decade. I have no doubt both boards will be willing to purchase the

special education programs from the other, if and when they become available and if there is space.

It cannot be otherwise. The public school system will not readily accept the role as the nonacademic or remedial system. Both boards will be competing in the academic arena to provide the best possible programs. They will both have limited funds and little incentive to provide for those students who are not university bound, regardless of ministerial guidelines or legislative edicts.

We no longer need ditch diggers. We cannot go back to the 1950s and 1960s when there was a surplus of students to choose from. We cannot pass over a young person because he is slow to learn or disinterested in abstract mathematical concepts. We cannot let him sit at the back of the classroom until he is old enough to pass into a higher grade and eventually be passed, like a bad case of gas, out of the system, an embarrassment and a loser. We cannot in good conscience subject these children to the academic-loss column and simply walk away.

You must understand that duplicating the system will not double the student population to make both systems viable. It will destroy both systems of education equally. It is not simply a case of moving some 6,300-odd students and 300 or so teachers, not where I come from.

We have no shared accommodation as exists in Metro and other areas, where one side of the school, including half the outside playground, is Catholic and the other half is for the exclusive use of the public school, where the students are prohibited from playing together. Everything, including office space, telephones and personnel is duplicated. Even the staff rooms are segregated. There was a school in North York that had a line painted down the centre of the main entrance floor. One side was Catholic and the other was public. Such absurdities do not yet exist in Muskoka and we see no reason they should begin now.

I am sure the teachers' federations have told you their concerns from their perspective. My concerns are a little more selfish. If we were dealing with the elementary panel, a teacher could pick up P 1 J 1 and possibly transfer those seven or eight subjects taught to another board. There would be adjustments, but basically a grade-school teacher would transfer grade material, with modifications, to a new group of students at a different school.

At the secondary level a teacher is a course instructor. He or she may teach two, three, even four different subjects in the course of a week

but, by and large, if he or she were to become a designated person, the system could be looking at the loss of a specialist. Compounding this is whether a designated person, if one is available, should be Catholic.

Should an individual who is Catholic be asked or be expected to volunteer for transfer? If a teacher does not readily agree to transfer, could there be a perceived or actual withdrawal of support from colleagues when someone else who is not a Catholic becomes the designated person? More profoundly, should students and the curriculum lose a teacher because of religious affiliation or even despite religious affiliation?

I have known many teachers over the years and I never once wondered what religion they were. My concerns were always grades and teaching ability, not religious affiliation. Surely the parents of students in the separate school system have the same concerns. Now that teachers are more than simply math, English and science instructors, I am left wondering whether students should concern themselves with this type of information as well as the academic content of their courses.

Should I, as a parent, request the denominational affiliation on report cards so I will know that the grade given is a true reflection of my child's academic ability?

Should I, as a parent, be informed that a teacher has refused to transfer and the reasons for that refusal? Should I, as a parent, wonder if that teacher should be teaching in our school because he or she might not be acceptable in the other system? Should the personal and private lives of our teachers be open to public scrutiny and discussion, or should ministry accreditation and the ability to teach remain the cornerstone of a publicly funded school system?

These are important questions for one reason and one reason only: the present Legislative Assembly has made the issue one of primary importance to the province and every one of its citizens. Already there are rumours that the only reason former Premier Davis agreed to extending full public funding to the separate system is that a cardinal of the Roman Catholic Church blackmailed him into doing so. Books to that effect are being written and are being believed by countless thousands of individuals because of the previous statements and election platforms associated with the former Premier and his political party. I have no knowledge of the backroom dealings, if there were any, and I choose not to believe that a political decision of this nature was based on one as sleazy as blackmail.

The above notwithstanding, Bill 30 is in no way progressive legislation. It is a brisk march back towards the 18th century when religious intolerance was the norm. Efforts were successfully made by men of courage and conviction to reduce divisiveness, acrimony, intolerance and bigotry. Today, because of their efforts, we have achieved the heterogeneous haven that exists not only in Ontario but also in our nation for all those fleeing both political and religious persecution. I do not want to go back.

The Quebec Act was passed by a British Parliament when it was impossible to hold public office or even be a citizen in good standing if one were a Catholic in England. The act was the means used to protect what remained of this portion of the Empire until common sense could prevail south of the border and Americans would give up their ridiculous notions about democracy and the like. We know that the enshrined linguistic rights were to pacify the French Canadian, who also happened to be exclusively Catholic because Huguenots had historically been barred from New France.

The British North America Act extended the French language rights to include educational institutions outside Quebec. It was possible for English-speaking Catholics, of whom there were very few, to use the existing separate school system only if they were willing to have their children educated in French unless special provisions were made within the school itself. What was not possible, however, was denominational education in any other area unless it was through the private school system. Efforts to make the Church of England the official church of Canada failed miserably, which meant Ontario would have a nondenominational education system, accessible to all.

More than 100 years ago, Catholic rights were in constant and perpetual danger of being outlawed. Such is not the case today. In those days, every effort was made to ensure that French-speaking and/or Catholic-practising individuals did not come to Canada to settle the north and the west. French farmers were not welcome and English farmers were not interested, despite the lucrative land-grant incentives or the promises of a railway. Poor Sifton had to settle for eastern European pioneers, some of whom were not even of the mainstream Christian faiths. Canada was introduced to the Dukhobors, the Amish and the Mennonites, to name but a few. The pioneers were not forced to speak either English or French. No melting-pot ideology was

introduced to Canadianize the west and all went as it was ordained until well into this century.

The results of two world wars, however, forever changed the ethnic makeup of the rest of Canada. It has taken decades to develop even a smattering of tolerance for people who spell their names with no vowels, pronounce their words with decidedly non-English-sounding accents and have a cultural background that is not centred on a small island with a large vision or its traditional enemy across the English Channel.

This province has changed over the past 50 years. Every colour, nationality, religion, doctrine and ideology is sharing our homeland. That makes our educational institutions dynamic places that must be nurtured, not splintered along religious lines. What are we doing discussing the likes of Bill 30 in this province in this year, 1985?

We are not here to discuss the elimination of discrimination but to extend it. No government in this nation, be it provincial or municipal, no business, be it national, international or multinational, large or small, can legally discriminate against an employee based on church attendance or lifestyle, the separate school board excepted.

Does this not offend anyone on this committee? Are you not in the least bit uncomfortable at extending discriminatory practices as though they were moral, just and defensible? Where are the men of courage and conviction who were so readily available in the past? Where are the men of courage and conviction who would have fought to the death a piece of proposed legislation that would condone, promote, or indeed encourage discrimination?

The Minister of Education (Mr. Conway) is of the opinion that it will not be necessary to invoke the notwithstanding clause as provided for in the Charter of Rights and Freedoms. Does the minister and do members of this committee really believe that because Catholic teachers have traditionally and historically been exempted from the rights and freedoms enjoyed by all other citizens, they are not entitled to them? Do you honestly think the courts will decide there are degrees of human status in Canada?

**11:40 a.m.**

South Africa has a parliamentary form of government with a constitution that allows for the systematic discrimination and degradation of blacks. The courts enforce the constitution against both blacks and any whites who disagree with the nonhuman status endured by the majority of the population. Would anyone here accept that blacks in South Africa are not really

discriminated against because that country's Parliament says it is following the laws of nature?

You may point to the other two parties and say, "We all agree we must extend full public funding to the separate school system." We are not in South Africa, where they compound bad legislation with worse. We are not in Iran, where religious leaders declare what is moral, just and defensible everywhere except from the pulpit. We are in Ontario and our Legislature has not been in the habit of saying, "I support this wrong because everyone else does," and I do not think this is the right time or issue to start saying that now.

You are not extending full funding to the separate school system. The Catholics will not pay their property taxes as ordinary members of the public. They will continue to pay their property taxes to the separate boards for exclusive use in Catholic schools.

By and large, only Catholics will teach in Catholic schools once this inconvenience of accepting displaced "designated persons" is out of the way. The Catholic school system will continue to be the only sectarian system allowed the freedom to proselytize at will. It will continue to be allowed to restrict admittance to its institutions based on religious affiliation with some minor, and I say very minor, exceptions.

You are not extending the promotion and advancement of education in Ontario; you are slamming the door on discussion and debate for huge segments of the student population on such issues as women in society, abortion, freedom of conscience and religious tolerance. That may meet with the approval of parents, but is it necessarily in the best interests of students? The Roman Catholic Church will decide what answers will be given by classroom teachers for the good of students, with the knowledge and, I would assume, consent of this committee and the Legislature.

How can you promote and advance the cause of education when there will be two separate, distinct boards of education elected by two separate groups of individuals with diametrically opposed views on what constitutes an education, who will provide it, and who will be the judge of its value? The Minister of Education, in his speech to the House in July 1985 said, "Change creates its own dynamic." On occasion, that dynamic is also called chaos. It can be called stupid. It can be called unconscionable. It can be called many things. In this instance, it cannot be called sensible, progressive, justifiable, or laudable. Let the Minister of Education give the

people of Ontario a definition of education and then we will know what he means by "dynamic."

The public school system has historically been accessible to all, including students found unacceptable to the separate system, be it on behavioural, intellectual, or moral grounds. It was not possible for public schools to use separate schools for their problem students. Nowhere in Bill 30 is there any mention of equal and total accessibility to either or both systems. It is one-sided.

The public schools will not be allowed full religious study programs proselytizing any doctrine. Non-Catholic students in the separate system may be exempted from religious studies, but Protestant ministers of their faith will not be allowed in the school during these periods, nor are they likely to be invited to attend. Thus, we have the public schools prohibited by law from providing religious studies at any time, other than the Lord's Prayer during opening exercises, while the other publicly funded school system can have religious studies at any time of the day, but only in the chosen faith.

There are many individuals in our society who sincerely believe their children can receive moral and ethical teachings only outside the public school system. I have been told there are such things as abortion, premarital sex, prostitution and pornography because there is a public school system. Everyone has heard there is no discipline and no respect for or by students, for or by teachers. The reasons given are simplistic but sincerely held; there is no strap, no religious instruction, no moral and ethical teachings in absolute terms to mould the students so they can become responsible citizens of the future. Do you agree with these individuals?

This is the real Bill 30. For this bill to be passed without a referendum merely compounds a wrong. To pass legislation that would extend discrimination without the written, active consent of the people on whose behalf you are passing this discriminatory legislation, places this province and its government very close to that found in South Africa.

Given the opportunity, the blacks of South Africa would oppose discrimination in a referendum. So, too, would the people of Ontario. That is why we have a Charter of Rights and Freedoms. That is why most of us oppose the regime in South Africa.

Bill 30 is wrong, it is not moral, it is not just, it is not defensible. You individually know it is wrong. The people of Ontario individually know it is wrong. You may believe the separate school

system has an inherent right to full funding through to grade 13, but that does not make Bill 30 any less wrong. Wrong is wrong.

**Mr. Chairman:** Thank you, Mrs. Barnett, for coming to present your views to the committee. I agree with you that it is very important we hear from individuals. We are hearing from a lot of them. We will be hearing from more of them around the province as we start our travels to Windsor next week.

The only comment I would like to make—and it has happened twice now—is that this comparison with South Africa is a very unfortunate one. I would hope people, including yourself, would rethink that a little bit. The fundamental difference between apartheid and the South African situation and Ontario is that you and every other citizen in Ontario have a vote. Eighty per cent of South Africans are black and have no vote at all in general elections, let alone on any referendum.

You have a say in throwing me out of power; you have a say in throwing any of these people out of their seats if you choose to. Those blacks, unfortunately, do not. The comparison between that racial apartheid system, imposed by a very small minority, and what is a majority system in Canada where everybody has his own vote, is a very unfortunate kind of parallel to draw.

**Mrs. Barnett:** I would agree with you if we had been given an opportunity to vote on the issue of separate school funding. I do not think anyone can claim a mandate to Bill 30. We never heard anything about Bill 30 during the election campaign.

**Mr. Chairman:** Bill 30 did not exist, of course. In my riding, the Conservative candidate indicated he would vote against the bill in the third public meeting that we had, and they had a very distinct choice.

The other thing that comes up is this notion that there is absolutely no sense of tolerance of other views within the Catholic system. I am a very active pro-choice proponent but I go at least twice a year to Neil McNeil High School, which is a private Roman Catholic boys' school in my riding. There, I field questions on every subject you could imagine, including abortion, and I am allowed to express my opinions very freely and am welcomed to do so.

I would admit that almost all the kids are on the other side of the issue because of the philosophical teachings of that church. But the capacity is there for me to go in, to be invited in to a private system rather than a public system. I often think people are not very aware of how most of the

Catholic separate schools operate at this time when they make those kinds of comments.

**Mrs. Barnett:** Then we would have no need for a separate school system if it was so open and free with its thought, its tolerance and its acceptance of different views.

**Mr. Chairman:** Just because they are willing to accept my coming in does not mean they do not have the right to choose, as they do, to have their own system.

**Mrs. Barnett:** But we are extending discrimination, and we cannot ignore that fact.

**Mr. Allen:** As the chairman did, I would like to underline the pleasure we have in receiving individual submissions. The individual submissions have often been the ones with greatest character and often a good deal more force in expression and in pointing out issues, in some respects, than the ones from institutional groups. I appreciate individuals coming forward in considerable numbers.

**11:50 a.m.**

If I might comment on the latter point you made, it is easy for us, yourself or anyone else, to prejudice just where the line of discrimination lies and to prejudice the charter decision. It is quite clear. There are substantial legal opinions on both sides and we all have to, in some respects, hedge our bets on that one before we get ourselves too deeply trapped in one intellectual position or the other.

Clearly, you have a major disagreement with us and it would take a long time for us to go back and forth to sort out where we agree and do not agree on some of the nuances of that.

If I could come back to your simple concern, which I think is over the impact on the school systems in the small communities, perhaps you could tell us a little bit more about the structure of education in your school jurisdiction. How many secondary schools exist at the moment under the jurisdiction of your board?

**Mrs. Barnett:** None.

**Mr. Allen:** No secondary schools at all. Only elementary schools?

**Mrs. Barnett:** There is one elementary school in Huntsville. We are broken up into two districts: Simcoe separate school board for the southern portion up to Honey Harbour, which is on Georgian Bay, and Nipissing for Huntsville.

**Mr. Allen:** How many students are in the system all told?

**Mrs. Barnett:** There are 160 to 180 separate elementary school students in Huntsville under

the jurisdiction of Nipissing and between 12 and 14 elementary school students are bused to school daily from Gravenhurst to Orillia.

**Mr. Allen:** This is for elementary school service?

**Mrs. Barnett:** Elementary. It is my understanding Orillia is opening a secondary school with 90 grade 9 students. They are looking to rent space. They have hired a principal and will extend to grade 10. Four students from Gravenhurst have enrolled.

**Mr. Allen:** Is it a public board or separate?

**Mrs. Barnett:** That is a public board.

**Mr. Allen:** So your jurisdiction purchases all its services from another board's jurisdiction?

**Mrs. Barnett:** No. We have no separate school board in—

**Mr. Allen:** I asked you whether you had any secondary schools.

**Mrs. Barnett:** No, none.

**Mr. Allen:** No public secondary schools?

**Mrs. Barnett:** There are three public secondary schools: one in Gravenhurst, one in Bracebridge and one in Huntsville.

**Mr. Allen:** That is what I meant; that is what I wanted to learn. How many students are in those three schools, roughly speaking?

**Mrs. Barnett:** About 2,000 in all.

**Mr. Allen:** What is the smallest number?

**Mrs. Barnett:** Five hundred.

**Mr. Allen:** Are you aware of the planning and implementation commission's criterion that no single-secondary-school community will have its facility adversely affected with respect to viability?

**Mrs. Barnett:** Our board has gone through that system for Huntsville. In September 1986, we will be purchasing the services for an integrated program from Muskoka. There are a couple of problems, though, that you are going to have to deal with.

It is against the law for the public school boards to hire on the basis of religion; it is also against the law for them to ask individuals what religion they follow. It is our understanding that it is also against the law, if you find out through some informal method that an individual happens to be a practising Catholic, to then schedule that person to teach students Roman Catholic religious studies because he or she is Roman Catholic.

Our board is willing to enter into agreement with the separate school board, but it is going to

have to ask for an exemption from the Ontario Human Rights Commission for public school teachers who happen to be Catholic. We are going to have some problems.

**Mr. Allen:** Is this a speculative option—

**Mrs. Barnett:** It is a tentative agreement.

**Mr. Allen:** —or is this from the spirit of the agreement that is being negotiated with the separate board to provide the beginning of an entity, a separate entity within the high schools?

**Mrs. Barnett:** No, there are no plans to open a secondary school in Muskoka.

**Mr. Allen:** Are you talking about a separate entity within one of the existing high schools?

**Mrs. Barnett:** No, it would be an integrated program except for religious studies where student numbers warrant, taught by a Roman Catholic teacher, plus guidance and counselling by a Roman Catholic teacher, and the Catholic students must have access to a parish priest. Those are the tentative areas they are negotiating right now.

**Mr. Allen:** In other words, you are negotiating a system which is still integrated in common buildings and in existing school structures.

**Mrs. Barnett:** Only in Huntsville.

**Mr. Allen:** Nothing is happening in the other communities?

**Mrs. Barnett:** It is the understanding of our director, and I am sure he can do this much better than I can—

**Mr. Allen:** But he did not come to present the brief.

**Mrs. Barnett:** No, but he will. It is his understanding that either at the end of 1986 or into 1987 there will be a Roman Catholic separate school board in Muskoka, but to date there is not.

**Mr. Allen:** I wanted to get those details straight so we could understand your comments the better.

**Mrs. Barnett:** What is going to happen is basic to our community.

**Mr. Jackson:** Mrs. Barnett, have you specifically had a chance to go through Bill 30?

**Mrs. Barnett:** I certainly have.

**Mr. Jackson:** You have gone through it; that is good. Your brief indicates a fairly good working knowledge of the public school system. Are you or have you ever been a teacher?

**Mrs. Barnett:** No. I sent my children to school; that was my learning experience.

**Mr. Jackson:** You have done a fair bit of homework. Have you been to a separate school?

**Mrs. Barnett:** I was educated in the separate school system.

**Mr. Reycraft:** The last statement from Mrs. Barnett intrigues me. You make statements about Bill 30 affecting friendships in a community, not only friendships between students but you refer to the hope of your own friends that it does not have the effect of interfering with those friendships. Is it your opinion that the existing elementary separate school system has that effect on friendships and on a community?

**Mrs. Barnett:** It will. My children now attend a school where up to 80 students could be removed if an elementary school were opened. We now are looking not only at the loss of teachers but also at the loss of programs. If my friends make the decision to withdraw their children, it will directly affect me and mine, and our community. It has to be because they are removing themselves or we are removing ourselves from the mainstream.

**Mr. Reycraft:** I might say that I, too, share the concern you express in the brief for smaller secondary schools. From the sound of it, the area I come from is similar in population distribution to Muskoka. We have five secondary schools, all of them fairly small, but within the county the board's own estimates show that the impact of extended funding is to the extent of 151 students over the whole county over those five schools being lost to the public board.

**Mrs. Barnett:** Then you do not have a large Roman Catholic population. I do not know who was here before—I came in late—but if I knew my children had to go into the public system, I would probably enrol them in the public system; but if the separate school system is available through to grade 13, a lot more parents will consider enrolling them in the separate system in kindergarten or junior kindergarten as the case may be.

What I really think everyone is missing is that there will be students in this province who will spend up to 15 years in school and never have anything but Catholic teachers and Catholic classmates. They will never meet a Jew, a Hindu or a Moslem in the classroom. This is 1985.

**Mr. Reycraft:** Even without extended funding, there will be a large number of students in this province who will do what you just described because of choice and because their parents are prepared to make the economic sacrifice to see them receive the education they feel satisfies their needs.

I have one further question and it goes back to your statement about being educated in a separate school. On reflection, do you feel that experience affected your childhood friendships?

**12 noon**

**Mrs. Barnett:** All my friends were Catholics until I went to university. I do not know whether that answers your question. I did live in a Catholic neighbourhood.

**Mr. Reycraft:** Do you feel you were disadvantaged in any way as a result of being—

**Mrs. Barnett:** You cannot compare it. We did not have the dynamic community 25 years ago that we have now. You were either Catholic or Protestant in those days. I do not think anybody, Catholic or Protestant, knew a Jew, or very few, unless one was a new immigrant and lived on Spadina somewhere. Those of us who have been here a while would have been in our own segregated little communities. It would be a disadvantage today not to learn all there is to know about other people from other lands.

**Mr. Allen:** May I pose a question to you? I am not familiar with all the separate schools and the ethos of every school and district across the province. Within Metropolitan Toronto, you did distinguish between Metropolitan Toronto's smaller communities. I recognize that distinction. I suspect it is true there is a growing cosmopolitanism in all of our communities. In Metropolitan Toronto, 48 per cent of the students who go to the Metropolitan separate schools are still from homes whose children speak the maternal language at home. They come from virtually as many national backgrounds as children in the public system.

Just the other day we had a very interesting discussion with a group, which I am sure you would have enjoyed, from one of the secondary Catholic schools in the city. The astonishing range of ethnic background, colour and religion was notably represented. We asked them about their programs of studies and religious education program and so on. It was quite apparent they discussed a very broad range of issues. They discussed a lot of religious options in life in a very broad sense.

When one uses words such as "sectarian school system" with all the constriction that "sect" implies, the notion does not always apply to the separate system in the way we think. In reality, it probably once did 20 or 30 years ago. Even the separate system, would you not agree, has changed notably in this province over the last

generation, just as everything else has? Is it not a major cosmopolitan kind of entity?

**Mrs. Barnett:** I am going to have a hard time answering this question without really sounding negative. In Honey Harbour, if you are an English Catholic student, you are bused to Midland. If you are a French-speaking Catholic, you are bused to Penetanguishene. I am sorry, I do not find a lot of accommodation.

Interjection.

**Mrs. Barnett:** Tolerance, understanding.

**Mr. Jackson:** No accommodation.

**Mrs. Barnett:** It is more than accommodation. They are both Catholic.

**Mr. Jackson:** It is program.

**Mrs. Barnett:** I am English. Je peux parler en français. I was in an integrated program, an immersion program. The public school system has French immersion programs in schools with English grades. They accommodate people from Chile, South Africa, you name it. The United Nations is in our public school system. They are accommodated.

**Mr. Jackson:** That is a pun.

**Mrs. Barnett:** Racism in Metro is a very serious problem. There are a lot of white Catholics who are transferring their children out of Catholic schools with significant populations of blacks, and we are looking at the same kind of accommodation. I will give you names, but not publicly.

**Mr. Chairman:** I do not want to dwell on this too much.

**Mrs. Barnett:** I guess.

**Mr. Chairman:** That happens in the public system. I have friends in the Riverdale district who moved out when they found there were too many Chinese in that area. I am not sure the rules of accommodation and tolerance are always that much better within the public system, depending on the location and people's attitudes.

**Mrs. Barnett:** But everyone has accessibility to it. Will there be Hindu or Muslim teachers in the separate school system?

**Mr. Chairman:** It is possible, but it is not—

**Mrs. Barnett:** It is highly unlikely.

**Mr. Chairman:** I cannot tell you. Under the act there is the possibility of those people being there. One student who came from a mixed Muslim-Catholic family was going to a separate school from choice, having been in the public system. I do not have a crystal ball. I am sorry. This has been a very provocative and stimulating

conversation with you. I hope you feel you have been well heard.

**Mrs. Barnett:** There is one question I would ask the committee. When will answers be given to the questions I have asked? Will it be possible to get the questions asked in this brief answered? Should I, as a parent, be concerned about the lifestyle and the reasons that teachers do not transfer? Should students be wondering about the effect on grades of the religious affiliation of teachers in the public school system?

**Mr. Chairman:** I hope the latter question is not one about which people should seriously be worried. That matter has been there for ever. If that problem existed in the past, if students had the feeling that somehow religious preference was coming into those choices, they could express it, whether it was at the elementary or secondary level.

The other things are justified concerns that are being expressed by others than you.

**Mrs. Barnett:** So will they be answered by the committee?

**Mr. Chairman:** The committee is grappling with a broad range of public input. There will be

something like 400 delegations before us before we conclude our September hearings. I presume we will hear a huge variety of concerns. We will try our best to have more wisdom than most legislators normally have in trying to accommodate those concerns. It is a very broad range. If you sat here for two or three days, you would hear a very full range of opinion.

**Mrs. Barnett:** I know. Thank you.

**Mr. Chairman:** It is having an impact on all of us. I do not think there is any member of this committee who has not felt very strongly what people have been saying to us. Those opposed are not being considered to be bigoted or unnecessarily intolerant or whatever. They are expressing real concerns that we as legislators will have to try to deal with. That is why you are here to tell us these things.

**Mrs. Barnett:** Good.

**Mr. Chairman:** I will ask again if Mrs. Hughes has arrived in the interim. She has not, so we will recess until 2 p.m.

The committee recessed at 12:10 p.m.

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Ward, C. C. (Wentworth North L)

**From the Ministry of Education:**

Graham, Dr. J. R., Acting Executive Director, Regional Services Division

**From the Scarborough Board of Education:**

Collie, M. P., Chairman  
Cowan, C. A., Assistant Director of Education  
Barnett, G., Private Citizen









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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Thursday, August 1, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, August 1, 1985

The committee resumed at 2:02 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**Mr. Chairman:** I call the meeting to order. There is a quorum. We have a number of visitors this afternoon. We will try to afford them equal time before the committee. The first deputation is from High Park-Alhambra United Church. Would the delegation please come forward? The brief's number is 137. We ask you take us through it and hope you will leave time at the end for questions of the committee members.

### HIGH PARK-ALHAMBRA UNITED CHURCH

**Mr. Telford:** I am Rev. Jim Telford. You have the brief in front of you, I would trust. I want to deviate from it rather than just read it. I would like to add a few things that have come to my attention in the last couple of weeks. That is where I would like to begin.

I have been keeping close tabs on the Toronto Star as it has reported the actions of the Legislature and so on. I notice it reported talking to the Leader of the Opposition (Mr. F. S. Miller) and asking him why the Conservative Party has decided to back the issue of separate school funding through grade 13. Among other things, Mr. Miller indicated it was on the grounds of fairness that the Conservative Party had taken this stand.

I am sure all three parties of the Legislature would use the same term—I have understood that to be the situation—and all three parties back the legislation. When we speak about fairness, we are looking for justice. In those terms we must see that sometimes there are two sides, or people have a perception of two sides, to what is just and fair.

Last night I took a look at the box score of the Blue Jays. I noticed that when they lost the game the previous evening, in one of the innings it was indicated that Mike Young of the Baltimore Orioles was called out at second base, even though Damaso Garcia dropped the ball that was thrown to him by the shortstop. That bothered me

somewhat. I am happy the Blue Jays lost that game. If they had won it, and that had been a decisive issue and they had gone on to win the World Series and outdistanced one of the teams by one game, I would have wondered whether justice had been done and fairness had been called by the umpire.

I am here today in search of that kind of fairness and justice, a true calling of the circumstances of the situation. I notice the Minister of Education (Mr. Conway) recently made some statements and the newspaper quoted him as saying "the" public school, using the definite article. I always get disturbed by that as it suggests there is only one public school system. I should like to remind the members of the committee there are two public school systems. The word "public" is used to indicate the schools are supported by public funds and, therefore, both the Protestant and separate schools are supported by public funds. For that reason, they are both public school systems.

The dual system we have is rooted in our history in this province and in that of Quebec. Sometimes we hear people refer to the British North America Act; on other occasions they talk about the Act of Union of Upper and Lower Canada that goes back to 1840. We recognize that in those days there were two solitudes in this country, basically British and French, but also Roman Catholic and Protestant.

Wherever the majority happened to be Protestant, the school was public and the individuals who happened to be Roman Catholic in that area were permitted, if they wanted, to start a separate school. Wherever the reverse was the situation, the Roman Catholics started the public school and the Protestants were at liberty to separate from it and start a separate school. I understand seven families were required to start a separate school.

A week or so ago when I was holidaying in Muskoka, I took the liberty to visit Penetanguishene. I am not sure the committee is aware of the circumstances there. In driving into Penetanguishene, I saw the large Roman Catholic church and recognized there must be a school there.

I drove over and found St. Joseph School. I spoke to a fellow who had parked his truck in

front of me, "This must be St. Joseph public school." He said, "Yes," perhaps questioning my intelligence; I am not sure. When I said, "I am looking for the separate school," he said: "Let me think. There is one on the other side of town. It is called Corpus Christi." I said, "I do not think that is the school I am looking for."

He happened to spot a lady coming down the street and he introduced me to her saying, "This gentlemen is looking for some help." I said to her, "This is St. Joseph School." She said, "Yes." I said, "I am looking for the separate school and he suggested I go to Corpus Christi School, but I know that is not a separate school." She said: "No, that is another public school. We have a lot of public schools in Penetang."

I said, "Could you direct me to the separate school?" She said: "Yes. Just go back to Main Street and turn on to Burke Avenue, where you will find the separate school." When I came upon it, I took a picture of the name of the school. It is called "Burkvale." Directly below it says, "Protestant Separate School." I would like to present that to the members of the committee to pass around. It indicates the two solitudes, the two circumstances, the background and the historical circumstances under which our school system operates.

**2:10 p.m.**

In the early 1950s, I was a minister in the city of Guelph. While I was there, with other clergy, we taught religious classes in grade 8. There was no dogma; it was a matter of teaching Old Testament and New Testament stories.

Later, when I came to Mimico, I was invited to teach biblical courses in the Old Testament and New Testament to the students at Lakeshore Teachers' College. There were clergy there of all Protestant denominations: Lutheran, Baptist, Anglican, Presbyterian, United Church and so on. Those teachers were going out to teach religion within the Protestant school system.

I am trying to suggest to all of you that we do not have one school system which is Christian-Roman Catholic and another school system which is non-Christian. It is also Christian-Protestant. That lasted for 145 years. About 25 years ago, we had a great swing in the population set of this province. Up until that time, minorities were nonvisible. I knew relatively few Chinese and relatively few Jews. In my school days in Toronto, I do not ever remember having a Jewish or a Chinese member in my class. I did not grow up in great affluence, but there were no ethnic people in the community.

If that is where it were today, that would be fine. If we had a Protestant school system and a Roman Catholic school system, I would be backing you people 100 per cent in what you are doing. With the immigration situation and the sweeping changes that have taken place, I am using, I am sure, terms you have used many times, because you are the people who taught us that this community in which we live now is multicultural and pluralistic and we ought to learn to accept it as such. The result, at least for Metropolitan Toronto, its environs and maybe other parts of this province, is that the Protestant school system has been completely denuded of its historical content.

Recently my wife, who is a member of the civic centre art committee in Etobicoke, decided, along with the other members of the committee, that there should be a Christmas art show this year for the children of the community. The idea was that they would contact both the public schools and the separate schools and ask them to allow the children to submit pieces. The best pieces would be on display in the Etobicoke civic centre.

My wife contacted the visual arts co-ordinator of the Etobicoke school board and he immediately drew to her attention that there was no way we could call this a Christmas art show. Apparently the word "Christmas" is no longer suitable in our public school system. We are no longer a Protestant system. We are simply a secular system and we cannot use the word "Christmas." When my wife asked him what to do, he said, "We have to call it some kind of a celebration." She said to him, "What kind of celebration would you like to call it?" He was as dumfounded as she was. I do not know what you call a Christmas art show when you cannot call it a Christmas art show.

The situation we are in at present is that the religious, moral and spiritual values, at least in Metropolitan Toronto, which must be a quarter of this province or more, have been completely washed out of the system. That is why there is great dissatisfaction with the public school system and why a lot of people have been forming their own school systems—some religious, some based on spiritual values of one kind or another. We have found separate schools, private schools, again being established across the province.

The issue is not extending funding to the separate schools. To me, the issue for this committee and the Legislature is to come to grips with the whole matter of education as far as

the religious systems of the province are concerned.

We are no longer a Christian community as such. We still have many Protestants and Roman Catholics, but we are multicultural. I do not expect that should mean the Protestants are to be absorbed, nor would I suggest they should absorb others, thereby losing their identity. I do not think it is fair to allow the British heritage of this province somehow to be submerged in that kind of situation and lose its identity.

If we are going to be fair and have justice, we can only go in about four directions.

1. We have to go back to our historical base and say unabatedly we have two religious systems, Roman Catholic and Protestant. In the light of that, what do you do with the multicultural situation and the Buddhists, the Muslims—who, I understand, now number more than the Presbyterians—and the other groups in the community? That is your question and you have to answer it. I have no answer for you. God knows, we do not need a third system.

2. We could also decide, if you want to keep the two systems as they are, to fund all other religious schools which might be developed over the years. I am not sure that would be a happy state, because we could have umpteen systems across the province.

3. I suppose you could also decide we really believe in what we talk about, and that is multiculturalism. If we are a multicultural society, we could say, "have one system and no religion at all," and maybe we would all be quite happy. I could live with that.

4. I suppose we could have that kind of system and then permit the situation that exists in Metropolitan Toronto at present, with cultural heritage classes. Since religion is part of that, it could be part of instruction as well.

These are the opportunities you have. I am not a member of the Legislature and I do not have to make the decisions, but I think these are the options on which I would like to suggest you have the chance to decide.

To extend funding now to Roman Catholics alone, I feel, is to establish a state church, a privileged group. Any time you give to one and not the other, that is injustice and not justice or fairness. It does not promote multiculturalism, because religion is part of one's culture and heritage, not apart from it.

I would like to leave some considerations you may ponder. I wonder how you can justify extending patronage to a religious body and then

condemn it, as you all do, in the political structure and sphere.

I also wonder how you can campaign for equal pay, equal rights and equal work for women in society, and then justify the extending of further funding to a religious body which denies women's rights almost entirely and set that up as the ideal in the community.

I would wonder how you can call fair that which can only be so with respect to the historical perspective, when that is no longer in place.

I will leave those questions with you.

2:20 p.m.

**Mr. Chairman:** Thank you, Rev. Telford. I appreciate the way you melded the information in your brief with the other observations that you made. It has been helpful for the committee.

Do members of the committee have questions for Rev. Telford?

**Mr. Allen:** I am delighted to see a submission in which the writer is able to distinguish between being secular and being secularistic. It is one of those nice distinctions that we need to be able to draw in this discussion. I appreciate the presentation from that point of view.

I wonder what you would say about at least one judgement with respect to the constitutional issue involved; namely, not to provide a substantial body of the Ontario populace, who wish public education for their children, the right to have that in a fully-funded and complete system forum and to deny that on religious grounds would be a discriminatory act on the basis of their religion.

**Mr. Telford:** I do not think I am quite following you here. Are you referring to the new Constitution that we have in the country or are you referring back to the historical base?

**Mr. Allen:** The Charter of Rights and Freedoms declares that one may not be discriminated against on a series of grounds, including the ground of religion. If one argues that parents have some significant right to determine the kind of education their children should receive, presumably a case could be made under the Charter—and some lawyers have made it—that to deny them the right to public support for the education of their choice on religious grounds, would be to discriminate against them, precisely on those grounds of religion. What is your reaction to that observation since you feel that the present system is discriminatory?

**Mr. Telford:** I would feel I was the victim of that circumstance myself if I were currently at the stage where I had children going to school. I am not happy that I have to pay taxes to either the

public school system or the separate school system because I do not support either in their present state, but I have to pay taxes.

**Mr. Allen:** You do not just feel abandoned by the Legislature, you feel abandoned by history?

**Mr. Telford:** No, I feel abandoned by the circumstances that have taken place in the last 25 years during which the country or the province has not taken cognizance of those circumstances and altered the circumstances in order to accommodate the multiculturalism we have.

**Mr. Allen:** Is it your impression—given your association with your congregation and presumably others in the United Church population in the city and province—that there would be a major disposition on the part of that community to move for a religiously based school system on the Protestant side if this continues, or would that same community be quite satisfied with a systematic program of formal and proper scholarly religious studies within the larger ambit of public school system?

**Mr. Telford:** I would be quite happy with a religious base within the public school system if we were to fund the high school system as well and say, "Okay, we will put into place within the high school system of the province an optional course in religion." It could be world religions; it could be comparative religions. We could include Buddhist, Hindu and Muslim as well as Christian and Jew. That would be fine. However, to have a system that is purely materialistic and secular, with no religious or moral base to it and then to fund another one that does have it, but is dogmatic in its approach and does not meet the needs of the larger population by any means, is to me a dichotomy that I cannot buy.

**Mr. Allen:** I think that is a central point that I wanted to ask about.

**Mr. Chairman:** There are no further questions for you, Rev. Telford, except one. Do you want the picture back or can I have it?

**Mr. Telford:** Can you make good use of it?

**Mr. Chairman:** It would end up in the files of the committee on this matter, or would you like it back personally.

**Mr. Telford:** I would like you to keep it if you can make good use of it, but if not I would like it for a souvenir. However, I can always go back to Penetang and get another.

**Mr. Chairman:** Okay. I will see if we can make a duplication of it and give it back to you.

**Mr. Telford:** That is all right.

**Mr. Chairman:** Thank you very much for the time you have taken with us. We appreciate it very much.

Our next guests are Mr. Fred Burford and Dr. David Anderson. This is submission 138, which has also been circulated to the members. Welcome, gentlemen. You have seen how we proceed. This afternoon we are trying to keep ourselves more in line with our half hour. Reverend Telford has been good in managing that by taking away certain sections of his report and adding other things. He has been very helpful. Any way you would like to try to lead us through, we would appreciate it. Give us a bit of time for commentary at the end. Perhaps you could start by introducing yourselves to the committee. You gather who we all are.

DR. DAVID ANDERSON AND  
MR. FRED BURFORD

**Mr. Burford:** I am Fred Burford, and this is Dr. David Anderson. We have a professional life of education with youth in common. Dr. Anderson is an associate professor of mathematics and geology at the University of Toronto, and I have been a secondary school teacher and administrator and principal of Downsview Secondary School until three years ago when I retired. In that regard, coming here as individuals, we obviously do not have a vested interest, except the concern for the future of our province.

We also are not coming saying that we necessarily think that extending full funding to separate schools is wrong. Both of us have a high regard for the separate school system. We do take the position that Bill 30 does signal very dramatic changes in the educational system in Ontario, very major changes that are going to have effects on hundreds of thousands of young people, their parents and their teachers over the next two decades. So it is very significant.

When we look back at the history of education in Ontario, we see that when this kind of change has taken place in the past, it usually has come about after a lot of very thorough, responsible investigations. The example that I use is the work of the Hall-Dennis committee. They went across the province seeing students, teachers and parents personally. They very soon found in the many schools they visited, that there was a definite trend they could recognize, that in the larger urban communities the larger schools with better facilities were offering programs of a superior quality.

2:30 p.m.

They were very concerned about that and this was one of the most significant consequences of the Hall-Dennis report, the fact that the large composite secondary schools started to emerge in rural communities. So the opportunities in education across the province became more equal.

It is rather ironic at this point that Bill 30, in its application, would be tending to undermine the benefits that were derived from the Hall-Dennis report in that the public secondary schools across the province, which already are diminishing in their enrolments because of the lowered birth rate, would have their enrolments further decreased.

We take a look at the two approaches, the Hall-Dennis report, which produced positive results, and the process we are involved in right now. There is quite a contrast.

In questioning the thoroughness of the investigation which is taking place, I saw in the newspaper the remarks of the member for Armourdale (Mr. McCaffrey) when he was having a meeting with 100 of his constituents. He says, "There has been no real public debate on this issue so I can understand the public frustration. If Premier Davis had taken a lesson from his book on political decision making, I think he would have appointed an all-party committee to look at the issue before making his move."

If MPPs were going to be honest, a lot of them would agree that the decision-making process that has been involved has been poor. Yet it is a process that is taking a step in the building of the educational system of this province. We can liken it to the foolish man in Matthew 7:26 and 27 who built his house upon the sand. Yet you have it within your mandate to recommend a course of action that would be consistent with the wise man who built his house on the rock.

The course of action you could take would be to recommend the formation of a task force that would be widely representative of the multicultural mosaic of Ontario of the 1980s. It would be charged with the responsibility of recommending changes in the educational organization of Ontario including changes in funding that would best meet the contemporary needs of Ontario youth in the province over the next two decades. The past 15 or 25 years, as Rev. Telford pointed out, have seen significant changes in our province. Only the diligent work of such a task force can provide a sound basis for making major changes.

The expectation of this task force would be that they would obtain information from parents, youth, educators, industry, business, governments and the general public during their investigations. This is, on behalf of Dr. Anderson and myself, our strong recommendation to you. We know that this move would be enthusiastically supported by a significant portion of the people of this province.

In looking at the legislation in Bill 30, certainly we are aware and have seen the brief presented by the Ontario Secondary School Teachers' Federation and we do not want to duplicate their extensive discussion of concerns. We do think their concerns are well founded.

We would like to focus on a few which give us the most concern, still remembering that if you accepted and acted upon our recommendation for a task force, Bill 30 would be tabled or withdrawn for rewriting and consideration by the task force.

The first section I would like to look at is section 136d. In looking at some of these we think there may be some fresh approaches that we may bring to them.

This is the section on agreements for education at other schools. It has really been very surprising to us that in a technological age there has been very little said about the whole area of technological studies in the discussions around Bill 30. I think many people may be unfamiliar with technological education and the operation of technical schools and composite schools. Having been the principal of a large composite school for 15 years, I am very much aware of them and aware of the building and equipping them with expensive machines and tools for the technology shops as they now exist in our excellent public composite schools for secondary education across Ontario. They are very costly and very significant amounts of federal money were used to make these shops possible. Of course, I do not think it is very realistic to think that we are going to get federal money in the near future for the building of new schools.

There are some important questions related to this. Is the plan to duplicate the technological programs in the Roman Catholic school system, and, if so, who will pay for them? Or is it the plan to have the vast majority of Roman Catholic students who receive technological training attend public technical or composite schools? That is not clear from Bill 30 as it is presently written.

Because technological education is such an important budget item, we think that Bill 30

should address and clarify the plans for handling technological education for Roman Catholic school board students. Otherwise, it is our suggestion that this particular section, 136d, could be a billion dollar booby trap. We think it is something that has to be spelled out there; you cannot say we are taking it for granted that such-and-such is going to be the case.

Moving on to subsection 136l(1), teaching and other staff, I believe that this probably has been discussed before. The reference "designated persons" at the outset is not as appropriate as "designated positions." Certainly designated persons will evolve, but the number of designated positions that are going to be lost is what we think should be there to start with.

Also the phrase in that section that reads "in accordance with the guidelines issued by the planning and implementation commission," poses a very serious problem for Bill 30, because these guidelines, which are referred to later on in section 136s, are not part of the bill, and yet they are so essential for its fair and just application. The guidelines should be mandatory, and there should be a guarantee of good consultation with teacher groups and board of education officials in developing them.

The impact of the announcement on June 12, 1984 already has had effects. It had effects when we were heading into the past school year, 1984-85. The guidelines, whatever they are, should reflect the extent of this impact for each year and should continue to be in effect until any additional impact becomes negligible. The designated teaching and other positions lost each year should include positions in the elementary grades as well as in the intermediate and senior grades because of this carryover effect.

Subsection 136l(2) refers to the period of 10 years. Tied to the comments on the previous section, I guess the arbitrary time span of 10 years really might not be long enough. The process should continue for as many years as additional public school teaching and other positions are lost, and then a monitoring system should be in effect to be on the alert for any anomalies that might develop after that.

Going to clause 136l(3)(a), positions on staff of Roman Catholic boards, the problem of teachers having to be located elsewhere is an old problem for the public school boards, because of surplus teachers and having to have procedures. One of the things that has been common practice is to allow the teachers to meet teaching qualifications required for a position if it can be done by taking a course over the summer.

To be fair to teachers who find themselves in the new situation, the section should be amended to allow that they do not have to have the qualifications right at that time, but if they are able to have them by the time the summer passes, they would fit the position.

**2:40 p.m.**

We also found, in the surplus procedures in the public schools, it is important to have things open so everybody sees the information that is under consideration in making decisions. That builds trust and credibility and takes away temptations for chicanery, which is a human temptation when you are concerned about the good of your system and your school. We hope everything will be open and, if necessary, the timetables of teachers.

Subsection 136l(8), refers to employment by the public board. Our concern is that it is not absolutely clear just how long the teacher who is designated but has not yet been placed in a position is kept on with his public board, how long it pays his salary and finds something meaningful for him to do. Maybe it is there, but it does not come through clearly enough.

In subsection 136l(19), on the possibility of discrimination in hiring and maintaining a position, etc., we think Bill 30 needs to define "creed" to ensure that it covers a person's lifestyle. Related to this, we would like to put on record additional information to that put on record on Monday, July 22, by the president of the Ontario English Catholic Teachers' Association.

He reported to this committee that in the 42 years of OECTA's existence only three teachers had run into disciplinary action because of the lifestyle requirements of the separate school boards and that in all three cases the association had acted on their behalf.

We would like to quote from the July 23 Globe and Mail account of the additional information given outside the committee room, as reported by Globe and Mail reporter Orland French. "What had been the nature of the complaints against the teachers? They had married outside the Roman Catholic Church. And how had the association acted for them? 'We defended the process to make sure their rights to a fair hearing were guaranteed.' And what happened to the teachers? 'They were fired.'"

We feel this section must give public board teachers protection against firings they would not have been vulnerable to had they been able to stay in the public system. As it is worded at

present, it needs clarification in order that there be no doubt about it.

Also in this section, we feel the words "against any person designated by the public board" should be removed to be fair to recent graduates of the faculties of education. We are already aware this year of three young graduates whose applications were rejected this spring because the boards to which they applied hire only Roman Catholic teachers.

It is amazing that, so far, little concern has been shown for the young non-Catholics who graduated as teachers in 1984 or 1985, or for those who are going through university with the plan of becoming teachers. Very little concern is being shown for them.

Our suggestion is to remove the words "against any person designated by the board" so that this is a blanket referral and anybody who applies to a Roman Catholic school board should not be rejected because of creed. We think this is necessary to ensure that graduating non-Catholic teachers cannot be rejected for this reason and that there be an appeal procedure built into the provision.

Moving on to subsection 136l(20), which is an application of the previous subsection, we would like to suggest clarifying it by adding the words "and promotion" after the word "advancement," to read "advancement and promotion." We feel it is much clearer and would cover all bases if it was "advancement and promotion."

Also, we think this subsection should be expanded to make sure there is no doubt there are equal opportunities for people who move over to the Roman Catholic school board to become department heads, vice-principals, principals, etc. It should be there in writing that these are positions for which they will have equal opportunity. There should be a provision for appeal tied in with that.

The last section we would like to refer to is 136o, subsections 6, 7 and 8. This is the section on exemption from religious studies. The section—and Dr. Anderson will touch on it in a few minutes—is far too long. It introduces roadblocks that should not be there in a request for a non-Catholic student attending a Roman Catholic school.

Our suggestion is that subsections 7 and 8 and clauses 6(a) and 6(b) be removed and the words in subsection 6, "together with written reasons supporting the application," and the little word "if" at the end be removed so it would read, "Upon written application, a Roman Catholic school board shall exempt a pupil who is not a

Roman Catholic from programs and courses of study in religious education." We feel very strongly that should become a very simple, routine request and be handled in that fashion.

Dr. Anderson will continue with the third part of our presentation.

**Dr. Anderson:** Rev. Telford has ploughed the ground for me to plant my part 3. He spoke about fairness, equity, and justice. Part 3 deals with our interpretation of those moral problems that are testing your time and consciences.

I ask you to recall Rev. Telford's historical background to save time in each item. He explained to you that the Roman Catholic-Protestant balance no longer exists. We are forever hearing about the rights of the separate schools, as he said. I am repeating a bit of what he said in order to emphasize the point.

Going back to 1867 or 1840, the principle of equity—again quoting Rev. Telford—commands, we say, that you impel your work so the Protestants are treated just as equitably as the Roman Catholics and, I hasten to add as he did himself, all the other religious or irreligious groups within the country. As a matter of equity at this late stage in our country, it is quite impossible under a multicultural society to give with one hand to one group and not give an equal portion to all the others, within the constraints imposed upon all of us, of course.

**2:50 p.m.**

That is the protest, if you will, against the first system. We, as Protestants, are protesting, using the term in its original sense, the procedures adopted in the first and second reading of the bill. They are inequitable not only to our own group but also to all those other groups that have become important sectors of our province, as Rev. Telford has emphasized to you.

Mr. Burford has referred to subsection 136o(6). I will go on to that and briefly emphasize to you that, while we understand and applaud the motivation of the Roman Catholic Church to keep intact its system to reproduce people of the Roman Catholic faith, we wish to have safeguards against any injustices that may arise. This is a very divisive business on the religious side. We are as sensible of that as we can be, and as you must be after listening to so many citizens.

I will introduce a personal remark here. I have been a professor at the University of Toronto for 25 years. From a sampling of the professoriat I have taken over the years, in my opinion the professors at St. Michael's College, as a group, are the most responsible and the most civilized of

all the professors in the university. I have never met one who did not pass a high standard. Do not ask me for the other groups that do not meet such a high standard, but I could give them to you if you required them.

As a citizen now and not as a professor, I admire the Roman Catholics for keeping up what semblance they can of morality and ethical teaching in the schools to which Mr. Telford referred. I share with him, and I am sure Mr. Burford does too, his feelings about the destruction of the Protestant element in the original intention of the founders of our school system 100 years ago. It is not out of the school system entirely, but we know full well it has, as he said, "vanished." In order to simplify our brief, I have used the same black-and-white designation. We agree with him that to all intents and purposes the Protestant system is gone.

We agree with him too about the imposition of a state religion through this singling out of one group. You may think we were collusive in our preparation but we were not. We arrived at the same point independently. I was very pleased to hear we at least did not have to contest with him.

This section imposes the requirement of written reasons. It is absolutely improper in any free society that written reasons should have to be given on any matter of conscience, which is beyond the scrutiny of anyone. I am not reading a great deal into this tiny section, but the fact that the words appear there raises the hackles on my back as to the motivation of the whole process that would allow them to appear there, after all the work that has been put into an act of this kind. This subsection should be withdrawn and you should examine most closely the motivation of those who put it in. It is absolutely unacceptable in modern Ontario society or anywhere in Canada or in the western world. From the time of the Greeks, that sort of demand has been improper.

Mr. Robinette has already spoken for us, giving us his opinion that the charter will not permit what your majority, except one, has set out to do. I know lawyers are able to read many complications into everything, but the plain language of the charter is that what you are setting out to do is improper, in our view. Echoing Mr. Telford, it is no good at all to argue that this right for the Roman Catholics was established in 1867. If that is so, then you must in all equity restore the privileged position the Protestants had. For some reason—and I was here for half the time and most of you were here for just about as much of it, except for the younger

chaps—the Protestants have allowed their privileges under the original arrangement to lapse. I do not think it is to their credit. I am speaking personally now, not for Mr. Burford.

If now, taking a second look at it after 100 years, you have determined to set up an additionally privileged system for the Roman church, then I will certainly be pounding on your door to see the same system is established for that residue of our population who still feel strongly enough, as Mr. Telford evidently does, to see the same privileges are granted to the Protestant system and all those other sections of conscience that feel as we do.

Our fourth point is the danger to the Roman system, which I have not seen pointed out but, of course, we do not know what you have been hearing. Please forgive us if we are covering ancient ground.

I cannot understand why they are not deeply concerned themselves about the incipient dangers to their whole system from the charter. To me it is a dragon waiting to gobble them up. In my reading of the Charter of Rights and Freedoms—and I read it very thoroughly in the time it was being proposed, though it does not need a careful reading to see this—what they have been doing is now unconstitutional. As one citizen of this country, it is obvious to me they have no right whatsoever to impose any religious or any other conditions unconnected with the teaching qualifications of their teachers in running a public system. Mr. Telford emphasized the Roman system is just as public as the used-to-be Protestant one.

I say that didactically since professors are given to doing that, but really all this is put to you as a question.

In regard to the reference to the courts, Mr. Burford would not let me say so in the paper but I will say to you here that Mr. Peterson and Mr. Conway have shot themselves in the feet making this reference to the courts. I will spell it out here in a little detail. Until the courts now having the reference before them pronounce upon it, I think personally, not being a lawyer, our talking about it even here is not proper, since it is a matter before the court. It is absolutely and totally improper, even if our talking informally is not so, to go on to third reading.

There is an error here. I did not know you had already had second reading. It says "second reading" here; it should be third.

Our stout recommendation to you is to recommend Mr. Peterson immediately put everything on hold until the courts have sub-

mitted their judgement and, indeed, indicated the propriety of the proceedings of this committee.

I have said this whole section has to do with ethics and so on. Freedom is part of that. Among my own associates and friends, I find the word "ethics" sends them to sleep. They are not concerned. I do not have any idea how many of the eight million people in the province agree with Mr. Burford and me, but this question of freedom exists for us at least. You have been kind enough to let us have our say here, so we will tell you we think the whole system ought to be restructured along the lines Mr. Telford has already sketched so this question of morality, freedom of choice, multiculturalism, the whole ambit of questions of conscience, might be dealt with properly.

**3 p.m.**

Question 7 is a very touchy thing but we are not here to play games. This is one of the most important things that has ever happened in the province. Mr. Hoy, in his book about Mr. Davis, alleged that—you know what he has alleged, so I do not need to repeat it. I immediately phoned Mr. Davis's office. I could not get him, of course, but I spoke to one of his men, Mr. Tory. He said the whole thing was untrue.

I accepted that at once, except to wonder how Mr. Hoy—distinguished journalist that he is, with years of experience in Queen's Park—could say such a thing without having checked with Cardinal Carter to be sure it was true. That episode puts a taint upon the whole process and it has to be removed. I am pleased to hear that Mr. Davis may appear before you if you ask him, and I do request that you ask him, so that, among other things, you can clear this up.

What Mr. Hoy said is one of the most shocking things that has ever been exposed to public view in our public system; I do not know what goes on privately. The mystery remains and it must be cleared up or there is going to be a divisive taint upon the—

**Mr. Burford:** You have run out of time.

**Dr. Anderson:** He has told me I have run out of time. May I have just a minute to cover the referendum?

**Mr. Chairman:** We will give you another minute, yes. Go ahead.

**Dr. Anderson:** The Premier has already dismissed the referendum and said there will not be one. Mr. Peterson did not ask me about that. If he had asked me, I would have insisted upon a

referendum. Mr. Burford does not feel so strongly about it, so even we are divided here.

In polling my colleagues at the university and others, I have found most Canadians do not want to be asked about anything. They are content to leave it to autocratic, oligarchic governments of the kind that is represented by you people here. I am not content with that at all. Yet I have found over the years we have had two referenda in this country: the conscription referendum in 1942; and to their great credit in Quebec, the Quebec referendum. Two in 60 years is a very poor score on the federal level, and no referenda at the provincial level. At the municipal level the most important thing we are ever asked about is whether we should have liquor outlets. We are asked about them. We are always grateful.

Here is one of the most important things to affect the all-important educational structure. You have polled yourselves, so you believe in referenda. You do not believe in dictatorship within your House, but you propose to go ahead with this without asking everybody else in the province. As a result of Mr. Burford's kindness and your allowing us to appear, we have had a vote today and we are very grateful to you for it, but we think all the other—how many are there, four million?—voters of mature age in the province should be asked the questions in a proper way.

I know the difficulties about loaded questions and so on. A properly configured referendum is an essential to this if you are going to satisfy people such as Mr. Telford there, who feels abandoned by the system, as I feel abandoned by it.

**Mr. Chairman:** I am going to have to cut you off because there are some questions I would like to allow just to get some feedback. Thank you both for your parts in the presentation. I assure you no member of this committee would think there had been collusion between you and Mr. Telford. We suffer from the fact that many people think there has been collusion between our parties in coming to similar conclusions. We can understand that does not necessarily have to happen just to have the same kinds of ideas.

**Mr. Timbrell:** I will be very quick; I have three points. First, just to be clear, on page 5 you comment on the section of the bill that deals with hiring practices. Do I understand your position to be that those people currently in the employ of the Roman Catholic separate school boards should be grandfathered, as it were, with respect to discriminatory hiring and employment practices and that all new employees from this point

forward, including the designated staff but also all others hired from wherever, should not be subject to those practices? Is that your position?

**Mr. Burford:** We would not want to consider anything that would cause the present employees any problems.

**Mr. Timbrell:** I was not clear whether you were saying that the discriminatory hiring and employment practices now in place should be abolished, including those for current employees, or whether you were proposing those employees be grandfathered and subject to those conditions under which they have been hired and subsequently supervised.

**Mr. Burford:** The new provisions would not affect ones already hired.

**Mr. Timbrell:** It would be a grandfather, in effect.

Is your position that this committee should, in addition to anything else we do with respect to this bill affecting secondary separate education, recommend to the minister and the government that religious education be reintroduced into the public school system?

**Mr. Burford:** Religious education would not be similar to that which existed at a time when we did not have the multitude of religions we now have. It would be religious education appropriate to the present multicultural makeup of the public system.

**Mr. Timbrell:** It could take many forms, perhaps comparative religions courses. The thought comes to mind that if we can have a heritage language program providing instruction in various languages, we could also have a heritage religion program.

**Mr. Burford:** Yes.

**Mr. Timbrell:** You would favour a direction towards more religious instruction in the public school system.

**Mr. Burford:** Yes, provided it was not, for example, forced on the children of atheists or agnostics.

**Mr. Timbrell:** That is a given.

On page 3 you touched on the question of the technological age and technical education. It is a very good point and concerns most of us on this committee.

We are told the ministry has recently issued to boards of education some new directives or memoranda on technical education, both on its scope and cost. I wonder if the ministry could provide us with those memoranda. There is real concern about the type of technical education

contemplated by Roman Catholic school boards. It may well be incompatible with the technical education already available in the coterminous public school board and may lead to duplication of, or at least an inconsistent and incompatible, effort between the two.

There is a third factor, the public sector, i.e., the co-operative education programs and other matters that relate to private employers and their work with technical education. You have struck a very strong chord with us. Perhaps we could see those memoranda.

**Mr. Chairman:** The ministry representative indicates we will be able to see those memoranda.

**Mr. Epp:** Dr. Anderson, you are one of many people who have suggested that we have a referendum on this matter and cited two occasions when we had referenda. When you qualified it by saying the question should not be loaded, I wondered whether you were reading my mind because I was thinking of Mackenzie King's famous referendum, "Conscription if necessary, but not necessarily conscription." I wonder whether we should have one in Ontario, "Separate school full funding if necessary, but not necessarily separate school full funding." That would not get us very far.

These things have been suggested on a number of occasions. In putting that very sincere suggestion, where do you think the government should start and stop in having referenda?

**3:10 p.m.**

**Dr. Anderson:** It should start by asking people if they want any referenda. Maybe the majority of people do not want to be asked or bothered, in which case ask them that. It is very simple to say that. I have asked my friends. The majority of them say, "Do not bother me." You can carry on then. You can fine-tune it by asking on what sorts of questions would they like referenda to be held.

**Mr. D. S. Cooke:** As they did on tax increases in the United States.

**Dr. Anderson:** That is right—the California references.

**Mr. Epp:** It is done all over the US.

**Mr. D. S. Cooke:** There is proposition 13 and things of that nature.

**Dr. Anderson:** This is a very deep problem. It has to do with democracy. I am an amateur historian of mathematics. It is the history of the freedom of thought. Mr. Timbrell referred to religious education. I would hope this course you are referring to, and which Mr. Telford spoke

about in answer to your question, would include ethics, the history of the freedom of thought. These problems are not sponsored by religion, but involve its practical applications. Referenda come into this. Are we free people, or do we respond to dictators whom we happened to have elected through some process over which we have little control?

We have reached the stage in Canada where people are well enough educated. Mr. Burford and I deal with them. We see what they are like. The majority of them are quite capable of being asked such questions and answering them sensibly, provided they are properly put in the statistical sense.

**Mr. Epp:** I should clearly say I believe we have a democracy here. We have representative government. People often disagree with the decisions made, but they have the opportunity to correct that later on.

**Mr. Chairman:** Nobody agrees more with you than defeated candidates.

**Mr. Epp:** We often have people who do not agree with the decisions by the Legislature or the Parliament of Canada, and that is their God-given right. They put forth these suggestions when they disagree with a decision that has been made and not during other times. That is when these questions come up, not during other occasions. It is one where they probably disagree with the decision. That is when they wish they had a referendum so that the decision would be different, or they think it would be different, but not necessarily at other times as a principal way of making democratic decisions.

As a historian, you know this dates back to the Athenian form of democracy where the number of people was small and they could voice their opinions on individual matters. In our form of government—the chairman is trying to cut me off.

**Mr. Chairman:** I am trying, if I could. I would rather we did not get into a discussion on the merits of the Athenian democracy versus representative democracy at the moment.

**Dr. Anderson:** May I seize one point that is pertinent to your cause. In this case, the choice, as far as we can tell from reading the papers, was made by one man who did not consult beyond a very narrow circle. With whom he consulted, we do not know. You are dealing with one narrow focus in which the consultation did not even extend to the House or the caucus of the Conservative Party, if that is the case. We do not know whether it is or not.

**Mr. Chairman:** May we move on? The policy direction was indicated by a Premier, but choices have been made in the House now on at least two votes; so we cannot say it has been only a Premier's dictate.

**Mr. Davis:** In your brief you expressed concern about the non-Catholic teachers who have access to only one system in the future. Are you talking about those teachers who are now in teachers' colleges or universities or are you also referring to the number of teachers who in the future would have had jobs in the public education system if there had not been the extension, never mind the declining enrolments? Are you saying those people who are yet to come are also in jeopardy because they will have the opportunity to apply to only one jurisdiction for a vocation, while someone of the Roman Catholic faith will have the opportunity to apply to two?

**Mr. Burford:** This is for the people who entered university in all good faith with the intention of becoming teachers and who happen to be non-Roman Catholics. When they graduate, the opportunity they will have will be much reduced from the kind of opportunity they would have had, had nothing happened. As far as we are concerned, we do not see anybody showing any kind of sensitivity towards that group of people.

**Mr. Davis:** That is even for individuals 10, 12 or 20 years down the road.

**Mr. Burford:** I am particularly concerned about the ones who went to university under a certain frame of reference.

**Mr. Chairman:** Thank you for trying to keep your remarks within the time limit. We have gone a little over, but I always want to make sure members have a chance to ask questions and that we have some dialogue. I appreciate your attendance today. It was very helpful.

**Mr. Burford:** Thank you very much.

**Dr. Anderson:** The very best in all your inquiries.

**Mr. Chairman:** I think we are going to need all the wishes and good luck we can get.

John Atkin is our next presenter. It is exhibit 141, which all members received yesterday and most have had a chance to look at it.

Introduce yourself any way you like in terms of how you would like to present this and then proceed. We will ask questions at the end.

JOHN R. ATKIN

**Mr. Atkin:** I am here as a citizen of Ontario. I have been a secondary school teacher since 1954.

I began teaching the day Hurricane Hazel blew through Toronto.

**Mr. Timbrell:** No connection?

**Mr. Atkin:** I put some thought into this because, with a Catholic mother and a Protestant father, I went through the Ontario educational system, partly separate and Catholic. As some say, I passed for a Protestant. After a couple of years at university, one person said to me, "I never thought you were a Catholic; you seem so smart," which somehow gave me an idea of what their presuppositions were. In any case, I am here as a secondary school teacher and a citizen.

Since Professor John Harney persuaded the Ontario New Democratic Party to support equality of treatment for the Roman Catholic schools of Ontario, Bill 30 has had a quiet inevitability about it. Now all three parties represented in the Legislature support completing the Roman Catholic separate system to the end of high school. I understand there is one party not represented in the Legislature that has a different feeling.

It has seemed to me that the feeling about this issue could be more harmoniously directed if citizens with experience of both systems could explain, as well as they can, what the characteristic features of each system may be. I notice a columnist in the *Globe and Mail* is asking the same thing this week.

I sincerely feel there has actually been very little report—and I have sat in on this committee three times—of what is at the root of the two systems. There is a great deal of concern about equity and justice, but not what it is that each system embodies to the world.

Here I introduce myself again. As a graduate of eight years at St. Joseph's School in Chatham, five years as a student in secular high schools—I graduated from Honourable J. C. Patterson in Windsor—and 30 years of teaching at the grade 13 level, I might have insights to convey to this committee.

**3:20 p.m.**

I am not a publicity seeker, except under certain circumstances. I do feel these things I have to say are just not being said and so I asked to come before the committee simply to say them and to respond to what questions might arise.

I would refer to the public school system as the Ryersonian system since it was designed and inspired by Egerton Ryerson. I have with me David Cameron's book, *Schools for Ontario*, which is more or less the definitive description of the evolution of Ontario schools up to 1972. I do not think it is a distortion to designate it the

Ryersonian system in the same way that other 19th century systems, such as the Bell and Lancaster system, were named after their founders.

The Ryersonian system employed the methods of instruction characteristic of the Methodist church. These were briefly, (a) reward for effort, (b) mastering a small amount of subject matter well, (c) learning one thing at a time, characteristic of the textbook, and (d) confidence in the use of the mind. Figuring it out was an important part of the kind of instruction given in the little one-room schoolhouse so people could get off the farm, I suppose.

As David Cameron says in *Schools for Ontario* at page 21, "Ryerson was determined that the separate schools should not grow and develop." The Roman Catholic system was, as everyone seems to know and as the preamble to Bill 30 indicates, part of the Confederation deal. As Cameron says, both Ryerson and the inspectorate that developed were quietly determined that the Roman Catholic system should not compete with what I refer to as the public or the Ryersonian system.

The Roman Catholic schools of Ontario used the Ryerson method of instruction as they were required to do in all subjects, but they added Catholic doctrine as they were permitted to do. The fundamental method of teaching doctrine for Catholics worldwide is the liturgy and that took place in the church.

In practice, the Ryerson system stressed the individual, achieving individually. The individual's need for a community was automatically satisfied in the drawing of boundaries for school districts. There is great concern that the boundaries of school districts be coterminous with natural communities. Of course, as the 20th century went on, we had about 2,000 school boards in Ontario.

The individual's need for a community was automatically satisfied in the drawing of boundaries for school districts so that a schoolhouse was within three miles of every child. It seems to me that one of the things that education has to face now is whether the school is a community centre or a place of instruction. This is very significant with the advent of television and the possibilities that television offers for instruction in a booth or with a tape; in other words, instruction that is not groups.

In practice, the Roman Catholic system of belief stressed communal loyalty. That is loyalty to the family and the universal Christian values of life and love. I do not think anyone will disagree

with that. The Roman Catholics of Ontario—of which my maternal grandparents were typical I suppose, Irish immigrants at the time of the potato famine—looked around and saw the great advantages which the Ryersonian system conveyed; doing one thing at a time, thinking things through, learning a little French maybe, and they saw these things as values.

As I recall from my days as a student at St. Joseph's School in Chatham, the Ursuline nuns who taught me were quite comfortable with the method of instruction in every subject. This was even more obvious when I went on to high school, when shop, French, everything, was taught in exactly the same way: 10 minutes of instruction, 20 minutes of seat work, two questions for homework. It did not take too long to figure out that the reason you went to high school was to learn the method, not the subject matter. We all did it. We went step by step and are still going step by step. That was a very suitable method for people who had cleared the land, chopped down tree after tree, had the fall supper and were good neighbours; in other words, old Ontario, a place that has never had the misfortune of a civil war; nor has Canada.

It seems to me that Ryerson and the Methodists, who were such a dominant force in 19th century Ontario, can largely receive the credit for that. Their good humour, the fact that they went about things one step at a time, the congeniality of the fall supper, has made Ontario a very desirable place to live without any doctrine. No one ever said that was the doctrine that was being taught, but by the time you went through 13 years of high school you developed certain expectations on how to learn; expectations which I might add have ceased to be operative since 1968.

It was in their fundamental attitude towards ambition that the two systems differed in a fundamental way. Ambition in the medieval, monastic tradition was considered to be fundamentally disruptive of community life. The Roman Catholic system in Ontario with its emphasis on collective loyalty continued this while paradoxically taking pride in such achievers as achieved great distinction; Dave Keon is an example I remember.

Ambition was the generally approved motivation in the public school system. Achieving worldwide fame was not even thought of. To be a local hero was good enough. I remember Ed Dawson, the coach of the 1936 Canadian Olympic basketball team at Berlin was an example of this. Eddy Dawson was a great hero

around Windsor and that lasted him for 35 or 40 years.

The success and excellence of Ryerson's methods were attested to at a dinner given in November 1847 at Lansdowne House in London. I have been doing research for a few years on Matthew Arnold. Matthew Arnold was Lord Lansdowne's secretary and it was in the course of looking through Arnold's notes and letters that I came across this remark made by Lord Lansdowne to Ryerson: "It would be the dearest wish of my heart if the Canadian system of education could be transferred to this island." With the characteristic aristocratic way of speaking, I thought people in Ontario should hear that quote more often.

England had no system at all, just a few great schools. When Lord Lansdowne referred to Canada, he was referring to Canada West. The Ryersonian system embodied many good features which were the envy of England. England did not have a minister of education, but Lord Lansdowne was lord president of the Privy Council and as such was responsible for grants to dissenter schools.

I would like to end by saying that Bill 30 gives Ontario the best of both worlds. Ontario has a foundation of steady work, use of the mind and real educational attainment through the Ryerson system. But with the Catholic system, Ontario has participated in the worldwide insights of a universal church and the loyalty to its beliefs and practices that form a basis for any good civil community. In my eight years in a Roman Catholic separate school, I did not hear one subversive word about civil government or loyalty, or any disloyalty to it. I was always taught there was nothing subversive, nor need there be, in the faith and belief of Catholics and the practice of civic virtue.

**3:30 p.m.**

One hundred and forty years ago, Ontario was a primitive pioneer bush country. Today it is becoming the magnetic pole of civilized people from around the world. Education, tolerance of diversity and reward for excellence through our school system have done this. What else do we have except our school system that has attracted these people? A few resources, I suppose, but growing up in a border city such as Windsor, I know that Canadians were spotted in Detroit and sought after because of their habits of mind, their steadiness, their reliability. Of course, that was 30 years ago. I left Windsor 25 years ago.

**Mr. Epp:** Is it still that way, David?

**Mr. D. S. Cooke:** I will take the committee there next week. I will show you the direction.

**Mr. Atkin:** There is a large Ryerson element in the Roman Catholic schools. The same expectations of instruction and the same confidence in the use of the mind are present in the Roman Catholic system because the Ontario Ministry of Education required that it be there for the subjects that were not literature and religion.

I think the Catholic schools of Ontario are unique in the world. They are not training people exclusively for the priesthood or law or the medieval professions. They still have never, as far as I can see, viewed themselves as heretics because they adopted the Ontario ministry guidelines. I do not think Cardinal Carter is kicked out when he goes to Rome just because he lives in Ontario. The previous speaker, Mr. Burford, is a dear friend of mine, whom I respect immensely.

It seems to me that many of those whose background is rooted in what I would loosely call Protestant Ontario fail to see the opportunities this bill offers. Apart from the cry for justice, I remember 13-year-old and 14-year-old kids making speeches in public speaking contests about justice for separate schools. Truly, we did not have gyms or shops, and I see in Cameron's book that that was a deliberate policy. You cannot very well say you cannot support separate schools because they do not offer full programs when the reason they do not offer full programs was in order to limit them.

I do not think anyone in Ontario feels you should break a kid's arm at grade 10 and say, "Do it my way now or else pay \$3,000 or \$4,000." The Roman Catholic system is here and it has flourished; it is not going to go away; it is sincere and it is competent.

As with much else—Metropolitan Toronto, for example, the new city hall—we have an opportunity in Ontario with this bill to show the world, even Europe, an achievement it groped for in the 19th century. I have been doing research on 19th-century education for some years. I am the editor of Matthew Arnold's school reports. It is amazing that for 30 years England groped around trying to come to grips with this business of religious instruction and state control. In true Ontario fashion, we have let it ripen until there comes a point where a decision will be accepted by the people.

I conclude by saying that the goodwill and decency of the citizens of Ontario, with some exceptions, have allowed the Roman Catholic system to exist for something like 140 years. Bill

30 will create an Ontario system that is fully Catholic, integrating the worldwide perspectives of the ancient Catholic religion with the local achievements of Ryerson, a Methodist, and the other citizens of Ontario, to make Ontario a new centre of civilization rivalling Vienna, if not Rome, Paris and London.

"Think globally but act locally," can no longer be a slogan for those who will visit Ontario when Bill 30 has been operating for 10 years.

I thank you and again stress I just came here because I had these particular experiences I could not hear being voiced any other way.

**Mr. Chairman:** Thank you very much for coming forward and expressing it. We have several questions for you.

**Mr. Epp:** Mr. Atkin, you alluded to something that happened in 1968. You said expectations ceased to exist. To what are you referring there?

**Mr. Atkin:** I was referring to the mechanisms of quality control. In 1968 the old ones were removed, namely province-wide exams and provincial inspectors, and that came along with a great influx of youthful teachers, of whom Mr. Timbrell was one, I gather.

**Mr. Timbrell:** I am still youthful.

**Mr. Atkin:** Yes, you are. Every mechanism of quality control was removed in 1968 and we really ceased to have a system. We developed into something like pirate ships on the educational seas, and although many newspaper reports say this mark is different from that one, I do not see why that is at all newsworthy. How can we expect marks to be the same if every teacher is giving his own?

**Mr. Epp:** Are you suggesting maybe we should go back to provincial inspectors?

**Mr. Atkin:** I suggest they are the key. I do not suggest formula exams across the province, but certainly in every jurisdiction of which I have heard, with respect to education, people who teach secondary school students are trained differently from people who teach kindergarten. Yet we have evolved in our kindergarten to grade 13 system an arrangement whereby, conceivably, a principal of an elementary school who has transferred to a high school can be granting specialist certificates in English to teachers when he may not have been in grade 13 since his own days in school. I have seen that happen.

I taught in Muskoka for five years and I was there in 1968 when the system changed. I remember an inspector coming in to give us his certification. He opened the door and timidly

said, "May I come in?" He sat there for 30 minutes, walked out and gave this young teacher a certificate. The teacher had no idea why he did it and he himself had no idea, but he knew if he did not, he would be challenged, so rather than face the challenge of some local superintendent, he just gave out the certificates like wallpaper to what I called youthful hippies at the time, though that is not meant derogatorily, it is just an indication of where I fit in the age scale.

**Mr. Epp:** More youthful than hippie, I presume.

**Mr. Atkin:** No, it was the other way around. I remember the day before this inspector came, a young woman was teaching and I said, "We are tolerant here but I think it might be a good idea to wear shoes tomorrow." She had been teaching in her bare feet for some time. That was an expression of her individuality. She thought that was an outrageous imposition. She lost her job a couple of years later but she got her certificate and wherever she is today, she is carrying that around proudly, as I do.

What I am trying to get at is, much that this committee concerns itself with could be lost if some form of standards does not reappear in the schools. At the moment, the principal is really responsible for standards and the head of a department is responsible for the quality of subject examinations, but these vary immensely from district to district, from person to person and, I hasten to add, from university to university.

**Mr. Epp:** If we were to have those kinds of standards through inspections and so forth, would that be at the local or provincial level?

3:40 p.m.

**Mr. Atkin:** In Cameron's book, he says the great strength of the Ontario system was the provincial inspectorate. It should be provincial. I know every person with local loyalties clamours, "Nobody can beat old Joe," but nevertheless, the quality of the subject matter taught in our secondary schools is of grave concern in our communities. That has slipped. However, it is hard to pin down exactly how it has slipped. The people going in to inspect cannot tell. I have sat on committees hiring English teachers and you have to be fairly astute to tell the phoney from the genuine.

**Mr. Allen:** I find it a very wise and reflective presentation and I must say I am enjoying every moment of your presence with us. I suppose that is because you seem to be running a thesis that has been mine for some time; namely, it is the

combination of the twin thrusts of the educational system we have inherited publicly in Ontario that gives us the great richness we have. Bill 30 is consonant with that and does not run against it. It does not seek to play out one rival against another for her Gemini but allows the ambience of the two to have its own special impact on our society. I like that emphasis very much.

Perhaps Mr. Epp's question reached the nub of mine but I am not sure that it did with regard to your reference to 1968. On the one hand, I thought I heard you say that somehow Ryerson got lost in the system and that we no longer had a Ryersonian system. Then you came to your conclusion and said the great thing to press forward with is the combination of the two, the Catholic orientation in the separate system, which embodies something of Ryerson, and the proper Ryersonian system itself, with its reward for effort for primacy of the mind and discrete learning and so on.

If that is the case, there is a certain contradiction in what you are saying, but if you are simply referring to matters of inspection and certain slippage—

**Mr. Atkin:** Not entirely. There is an institution a block away called the Ontario Institute for Studies in Education. I am not well informed on what OISE does but I have noticed since 1968 an immense effort towards group work; but it is never by decree, it is by suggestion. However, group work among students is extremely hard to assess because if you assign a mark to five students for a project, the weakest student is going to get the same mark as the best student.

You were quite correct in catching me on that, and I attribute that kind of decline or minimizing of the Ryersonian system to OISE and other educational theories. The secondary school really should not be teaching subject matter at all. It is a community centre and we really want to make everyone part of the group. In other words, it flies in the face of the old Protestant individualism, but it is not explicit.

A principal might say he does a lot of group work in English. A superintendent and five other teachers might say it and there will be a seminar on group work. There are counterbalancing influences. The old Ryersonian teacher, as I have referred to him, uses a routine: 10 minutes of instruction, 20 minutes of seat work, two questions for homework. Like anything, it can become a formula and when it becomes a formula it dies.

On the other hand, the system introduced in 1968 by the then Minister of Education has been

surviving and keeping the schools going because of the teachers who were there. They were trained 20 years earlier. They were the heads of departments. They are almost all retiring now. The ones who are coming in to replace them have, as far as I can see, no particular educational outlook because, on the one hand, the Ministry of Education has been reluctant to articulate any so-called doctrine, and on the other hand, the schools were surviving; there were no revolts and the older teachers were teaching the younger ones. But it is no exaggeration to say there has been a certain widespread disquiet in the community in Ontario over the quality of education, over what has been happening.

The old Ryersonian system is mitigated; but not until Bill 30, did the various elements of the community, who more or less thought their system was safe, all come forward and start screaming, "Hey, what is happening here?" What I really meant by the dismantling of the Ryersonian system was the educational activity that has gone on in the absence of provincial inspectors and provincial controls of any kind.

Something has been going on. There have been lots of seminars. There is no particular prophet of Ontario education now. From time to time, some fellow is brought in from England or California who becomes the local hero for a while and we are supposed to follow his method, but nothing is ever consistent. That is what I meant.

I hasten to add, these views are personal to me. They do not represent those of the Ontario Secondary School Teachers' Federation, the Catholic church, the Liberal Party or anybody else.

**Mr. Chairman:** It has been a privilege to have you come before us as an individual and express them.

**Mr. Allen:** You can be sure we have appreciated your Ryersonian individuality.

**Mr. Chairman:** We are getting a little pressed for time. Do you have another question, Mr. Allen?

**Mr. Allen:** Given the creativity you see in the juxtaposition of the two systems, what is your view on the question of access between the two from the public school side to the separate, which is the issue with which we are specifically concerned?

**Mr. Atkin:** I hope what happened at Scarborough General Hospital and the Catholic hospitals of Ontario is not going to happen to the Catholic school boards. The Catholic hospitals of Ontario

just disappeared as distinctive Catholic entities. I think there is some concern. The Basilian Fathers seemed to feel that, when they elected to make St. Michael's a private school.

On the other hand, I know Bishop Doyle of Peterborough feels there is no great threat to the Catholic system if reasonable access is granted. There were always Protestants, always people of non-Catholic faith in the schools I attended. I do not think there is any hostility towards those of the non-Catholic religion, nor do I think there is any great danger. I think it is a great exaggeration about the number of people who are going to lose their jobs or the number of kids who are going to transfer. I just have a hunch about that, but I cannot prove it. I do not have the research tools to support that.

From the Catholics in responsible positions that I know—certainly the 10 per cent figure, the 12 per cent—or a loose figure around that, there is no threat from the Catholic point of view. I greatly suspect there will not be a massive transfer.

In places like Essex county there is great concern over the character of the local school.

**Mr. Timbrell:** I want to come back to that because I do not think you specifically answered the question. I will try to structure it in a way that invites a yes-or-no answer. Should there be unlimited access for any student, regardless of faith, who wishes to attend a Roman Catholic separate secondary school?

**3:50 p.m.**

**Mr. Atkin:** Should there be unlimited access? It seems to me this question would be like one posed in the Knesset in Israel. If the question of unlimited access for Ethiopian Hebrews arose, I would say yes, there should be unlimited access in the context of Ontario, because I do not think unlimited access would ever reach a point of destroying the character of the Catholic schools. I do not think that would occur in the context of Ontario.

That is my judgement. There is no point in having Catholic schools at all if the whole idea is simply to eliminate their Catholic heritage.

**Mr. Timbrell:** We have covered that point many times so I will not reiterate what I said about it earlier.

My second question is, and again I invite a yes-or-no answer, should all non-Catholic students attending Roman Catholic secondary schools be exempt from religious instruction?

**Mr. Atkin:** Yes.

**Mr. Timbrell:** My third question is, given that you are, as it were, of a mixed background, a Roman Catholic working for 30 years in the public system—

**Mr. Atkin:** Yes, I feel comfortable in both.

**Mr. Timbrell:** By the way, you even taught my daughter, not to mention running against me for the Legislature, but I will come back to that.

**Mr. Chairman:** Not as a result of that experience I hope.

**Mr. Timbrell:** That is right. I notice you have been here on several occasions, Mr. Atkin, so you are aware the question of the discriminatory hiring and promotional practices of the Roman Catholic separate school boards has been discussed on many occasions. My third question is, should those discriminatory practices be allowed for any or all teachers and support staff employed in the Roman Catholic separate secondary school system?

**Mr. Atkin:** The word “discriminatory” is a case of one man’s meat being another man’s poison. When you are in a minority position and require legal protection, as the separate schools of Ontario did at the time of Confederation or they would have disappeared, such selective hiring of janitors, secretaries and other nonteaching staff, was certainly necessary. When the French high schools were established, such as Étienne Brulê École Secondaire, it was not considered discriminatory because they insisted that French-speaking janitors be employed. It was impossible to maintain a French-speaking atmosphere without the French-speaking support staff.

**Mr. Timbrell:** With respect, the question was, is it appropriate in 1985? I am well aware it was appropriate in 1867.

**Mr. Atkin:** On this point, I speak only for myself. I do not see any reason Protestant janitors or Jewish secretaries cannot take a job in the secondary school. There are places where interpretation of certificates and a certain theological and philosophical background would be important.

Catholics do not see that as discriminating. They simply see that as support. As far as sustaining the quality of the school is concerned, I do not see discriminating against anyone who wishes to be hired on the support staff any more than I would see St. Michael’s Hospital discriminating by not hiring a doctor because he was not of that faith.

**Mr. Chairman:** This is the last question you may ask. We have only 40 minutes.

**Mr. Atkin:** Am I missing the point?

**Mr. Timbrell:** Yes. It is not just the support staff, I was referring to the teaching staff as well.

**Mr. Atkin:** Which is a touchy question.

**Mr. Timbrell:** I know, and one of the most difficult ones with which we are going to have to deal. But that includes the supervisory officers, such as vice-principals and principals.

**Mr. Atkin:** The majority of teachers, 80 or 90 per cent—not 100 per cent—would pretty well have to have a Catholic orientation.

**Mr. Timbrell:** Do you support quotas?

**Mr. Atkin:** The quota is the way we have them now. When I started teaching in the secondary schools, there was no question there was a quota for Catholics. The former chairman of the Windsor School Board, P. P. McCallum, told me that unquestionably they had a quota for Catholics. A certain number of Catholics would be hired.

**Mr. Timbrell:** Is that appropriate now?

**Mr. Atkin:** I do not want to be quoted. I may talk myself out of a job.

**Mr. Chairman:** You do not have to answer any question if you do not choose to.

**Mr. Atkin:** To tell you the truth, I do not know. I know the Catholic system is a worthy one and should continue the measures that keep it Catholic. I know the Ontario hospitals lost their Catholic character through a kind of goody-goody attitude: “It really does not matter if we do this and we do not do that.”

**Mr. Timbrell:** I disagree with you.

**Mr. Atkin:** I am sure you do.

**Mr. Timbrell:** Whether it is Providence Hospital in Scarborough, Hotel Dieu Hospital in Kingston, Macdonell Memorial Hospital in Cornwall, St. Joseph’s General Hospital in North Bay or Hotel Dieu of St. Joseph Hospital in Windsor, there are many Catholic hospitals that are distinctly Catholic yet part of the public health system.

**Mr. Chairman:** I would not mind this becoming a discussion the two of you have outside if you would like to, but I am going to move on because we are running into other people’s time.

**Mr. Atkin:** I have done my best. I have said what I think and stress that I do not speak for the Catholic church. I am sure the Catholic church would be quick to agree.

**Mr. Chairman:** We welcome your comments. Anybody who wants to distance himself

from you need not write. You have already done that. Thank you very much.

ONTARIO SECONDARY SCHOOL  
TEACHERS' FEDERATION,  
PORCUPINE DIVISION

**Mr. Chairman:** Our next presenter is the Ontario Secondary School Teachers' Federation, the Porcupine division. Members had the document, exhibit 139, distributed this morning.

Having read it myself, I know we may have difficulty dealing with this in the time we have allotted. You can take us through it so that we spend about 30 minutes for your presentation, leaving time for questions. We may extend the questioning a little longer because of the problems you allude to in the Timmins area and also some of the specifics that I am sure members would like to go into.

**Mr. Rorke:** Thank you. I am Tim Rorke, president of the Porcupine division, which represents the communities of Timmins, South Porcupine, Schumacher and Porcupine. I have with me Mr. Peter Gayfer, a member of our federation who has been observing your committee meetings.

**Mr. Chairman:** He is not looking too badly for it.

**Mr. Gayfer:** I now realize how you can sit so comfortably through this process. These are much nicer chairs.

**Mr. Chairman:** We will move one back there for you.

**Mr. Rorke:** Before I begin, I feel constrained to comment on Mr. Atkin's presentation. If you examine Ontario Institute for Studies in Education documents and research over the last year or two—I have one in mind with regard to mathematics and sciences—you will find that students from Ontario public secondary schools are getting a better education than students in Japan and the United States, and an education comparable to European students. If you look at the OISE documentation, you will see that much of what is said is not true. I will leave it at that.

**Mr. Chairman,** members of the committee, ladies and gentlemen, I will begin my presentation on page 22 of our brief.

The Porcupine division of the Ontario Secondary School Teachers' Federation is pleased to have this opportunity to brief the committee. During the past year we have attempted to warn the public of some dangers of extended funding, none of which has gone away.

We believe public education must adhere to the following principles. It must be equally available to all students. It must not discriminate in hiring, promotion, evaluation and dismissal on the basis of sex, creed, race, marital status, etc. It must be open-minded to the critical evaluation of all points of view. It must develop that critical faculty, not indoctrinate one truth, whether religious, political or economic. It must promote the common good of all society.

We oppose the extension of funding for a variety of reasons. There has been a lack of meaningful democratic due process in arriving at the public position at the heart of this bill. It will fragment communities on religious grounds. It will force the sharing of facilities and schools, a particularly difficult situation in small communities having one or two schools. This may appear administratively sound; it is almost invariably an expensive educational disaster.

#### 4 p.m.

It will aggravate the small-school syndrome in Ontario. Schools with fewer than 600 students are already stretched to their limits, and in some cases beyond, to provide fundamental instruction for all students at all levels of ability. The many schools with enrolments below 600 will multiply rapidly as one school population divides into two.

It will not allow equal accessibility to all students, a must in any publicly funded education system. It does not provide the job and career guarantees for those people who are at present in the employ of public boards and who will become designated persons for transfers to the employ of a Catholic school board.

It will mean the public school board teaching staffs will lose the young members of their group, including a disproportionate number of women. Estimates of the cost of this proposal have already grown in a startling manner and there is no evidence the new estimates are reliable either. Finally, and perhaps most important, it is not at all clear that the proposed bill is constitutional.

For these reasons, we call upon the social development committee not to report the bill back to the Legislature. If you feel you must report the bill to the Legislature, then we call upon you to recommend a delay, at least until the courts have ruled on its constitutionality. We support the suggestion that a provincial referendum on the extension of funding to the public secondary schools operated by the Roman Catholic separate school boards be held in

conjunction with municipal and trustee elections in November.

Despite our profound philosophical and educational objections to Bill 30, which are dealt with in more detail on pages 1 to 20 of the brief, we recognize the committee's concern is to examine public input on the contents of the proposed legislation. We will, therefore, examine specific problems with the proposed legislation that will be harmful to communities, students, teachers and support staffs both across the province and in Timmins.

Bill 30 represents not merely the completion of a system, but a radical departure for Ontario because, for the first time in history, the educational system will be completely split at the community level. Radical changes bring unexpected results.

What is the real cost of the change? So far there have been some statements of legislative grant costs, estimates which have doubled or tripled in a year, but no statement of total costs. The taxpayers would probably agree to costs which merely brought students whose parents have been paying fees into public funding; however, there are additional costs.

First, there is the bureaucracy. Parallel systems will have more directors, superintendents, consultants, trustees, support staff, etc., than would a single system or the present mode.

Second, there will be building costs. No matter how sincere the denials of intent to build or to fund the construction, more facilities than needed will be built because of the funding extension. What will the costs be in soft costs, hard costs and debenture costs?

Third, Bill 30 outlines a Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario with tribunals, which will be given extensive powers under the proposed legislation. These structures cost money, perhaps eventually as much as the Education Relations Commission.

Finally, the greatest additional costs may stem from attempts to provide the full range of secondary programs in a situation where neither system has sufficient enrolment to warrant the program on a cost-efficient basis. Many schools in the province are now staffed over normal complement solely for program reasons. Parallel systems will greatly increase the number of such situations, which are local costs not covered in legislative grants and, therefore, will be passed directly to the local ratepayers.

I would now like to refer to section 136a. Who will pay and who will control? In a given geographical area, Bill 30 envisages a transfer of residential and commercial assessment from public boards to separate boards combined with a compensatory shift in the provincial level of support. This would be reasonable if the actual total costs remained stable. However, we have been made painfully aware over the last 20 years that systems in flux, whether growing or shrinking, cost more per pupil than do steady-state systems. Bill 30 arranges to have one system grow and the other shrink simultaneously, guaranteeing higher costs.

If this were approved or under the control of all ratepayers, it might be acceptable. However, section 136a specifically gives the election of completion to the separate board alone. In effect, the higher mill rates faced by the public board ratepayers represent taxation without representation. They and their elected trustees are helpless in the matter.

A full referendum should be conducted in each area. During the last board elections, no one dreamed this issue would be faced by trustees. Just as teachers should not be hurt by this change, so should ratepayers be protected from additional costs which are not their choice.

Before turning to section 136d, I should give you perhaps a bit of geographical information about Timmins and the location of the plant so that you can relate that information to what I will say later. The communities that make up Timmins stretch from east to west along a major highway. In the far eastern section there is a community called Porcupine of about 3,000 people. About two kilometres farther west is South Porcupine with a population of about 4,000. About six to seven kilometres farther west again is Schumacher with a population of between 2,000 and 3,000. About a kilometre farther west of that is the major centre of Timmins, which makes up the rest of the 45,000 people who live in the community.

In actual physical plants, we have a high school in South Porcupine, Roland Michener Secondary School, which currently has about 600 students. The plant could hold approximately 1,000. We have an anglophone high school in Timmins—I believe it is the newest high school in the province—Timmins High and Vocational School, with a population of about 1,200. It is operating at approximately capacity.

There is the largest French public high school in the province, École Secondaire Theriault, with a population of about 1,400. I believe it is

operating at about capacity. There is one Catholic anglophone high school, O'Gorman, which is in Timmins. The building has a rating for about 300 students and it is operating at that capacity. It is only an academic school. The three public high schools are composite high schools.

As noted in our federation's provincial brief, section 136d creates the possibility that Roman Catholic separate school boards will tend to offer only academic programs, saddling the public boards with the sole responsibility of providing full and expensive programs. Such a situation will quickly arise in Timmins where anglophone Catholic students who desire a denominational education must attend O'Gorman Intermediate, a strictly academic institution which does not have the facilities to expand into the fields of technological studies or business and commerce. Such a situation will quickly ghettoize Roman Catholic students in Timmins into distinct groups.

It will discriminate between anglophone and francophone Roman Catholic students. Franco-phone Roman Catholic students will presumably have the benefit of a full range of programs once École Secondaire Theriault is passed en bloc to the separate board, while anglophone students will have only an academic denominational option open to them at O'Gorman.

It will discriminate between two groups of anglophone Roman Catholic students. There will be those who are bright enough to go to an academic Catholic high school and there will be those who are either not bright enough or who will need expensive special services that the Roman Catholic separate board will be unwilling to provide within its own jurisdiction.

With reference to section 136i, it is my understanding that this section of the bill will require the election of Roman Catholic representatives on the public board from November until January and perhaps until 1988. To elect representatives from November to January makes no sense and to have them sit until 1988 would create a grossly inequitable situation in Timmins. Our public board is equally split, with seven trustees representing separate school electors and seven trustees representing public school electors.

In the last two years of their three-year term, the seven Roman Catholic trustees will represent a negligible constituency as most of their students will have crossed to the other system, and yet their voting power will be in no way reduced. Further to this, Bill 30 would place the right of initiative with the Roman Catholic

separate school boards. It would be virtually impossible for the Timmins public board to deny any request from the Timmins District Roman Catholic Separate School Board, given the 7-7 split among the trustees and utterly impossible in neighbouring communities such as Kapuskasing where the majority of trustees on the public board represent Roman Catholic electors.

In communities such as these, it is quite possible that agreements could be forced on the public boards even though those agreements were demonstrably not in the interest of public education in the local community. This is particularly relevant when one notes that section 136w and section 136x specify that the parties to a hearing in a disputed issue can only be the two boards. Thus, if a small northern public board is coerced into an agreement that is not in the best interest of public education by its own Roman Catholic trustees, there will be no avenue of appeal open to the non-Catholic segment of the community.

At this point, I would like to turn to section 136l and its various subsections, partly to emphasize by reiteration and partly to amplify particular things in the context of Timmins.

#### 4:10 p.m.

The guidelines to be issued by the commission are just that under subsection 136l(1). They will not have the force of law and, therefore, will not provide the guarantees required, nor even the guarantees that you, the politicians, have publicly promised.

Turning to subsection 136l(2), there should be no time limit. As well, there needs to be a provision for senior teachers in the public system who volunteer to cross over to the Roman Catholic board. As the bill currently stands, as I understand it, only designated persons will be extended the guarantee of the commission's guidelines. There are bound to be situations in which a senior staff member who will not be designated because of his or her seniority ranking, yet may wish to cross over for personal reasons. If these people are given the guarantees, then those who have been designated and do not really wish to go to the Catholic system may be able to remain in the public system with their previous employers.

On subsections 136l(6) to (9) inclusive, these perhaps indicate teaching could become involuntary servitude. Subsection 136l(8) seems to indicate a teacher who is made redundant in a public board will be retained by it until employed by a separate board. The commission will meantime be circulating a list of designated

persons to all boards. This sounds as though involuntary geographical transfer is envisaged.

Even if there is an attempt to slot the designated person into the local separate board, there seems to be a distinction between how supervisory officers and teachers are treated. The former are guaranteed offers of "substantially similar" positions, while teachers get positions "for which the designated person's qualifications recorded by the ministry are required."

Any teacher could tell you this covers a large range of teaching assignments, many of which are substantially dissimilar. For example, in the academic area, any teacher is qualified, according to ministry guidelines, to teach at least two classes of any other academic subject to the end of grade 10. People who have taught French and English all their lives could be suddenly teaching a couple of classes of mathematics or science for which they may never have taken courses in university. It is quite possible the separate board could effectually bar a teacher whose religion or lifestyle it deemed odious by offering teaching assignments for which certain qualifications are required but which are totally foreign to him.

In Timmins many of our technological studies teachers are relatively recent employees and thus have little seniority. They will be among the first to become designated persons. Mr. Ray Chénier, the director of the Timmins District Roman Catholic Separate School Board, has clearly stated he cannot hire these teachers because his board does not offer a technological program, nor can he hire them for an academic area because they do not have those qualifications.

Bill 30 says these teachers must remain in the employ of the public board. The full cost of protecting these teachers should be borne by provincial grants, not by local ratepayers, and these should be guaranteed to the public board until such time as the designated teachers can be placed with the coterminous board or until they retire, a very expensive proposition.

With respect to subsection 136l(10), a guarantee of salary rights for one year is not sufficient. Any public employee who is transferred to a Roman Catholic board must not, at any time during the remainder of his or her career, receive less than he or she would have received had he remained in his former employment. Simply to guarantee jobs is not sufficient. It must be remembered these people have invested anywhere from five to perhaps 15 or 20 years of their lives to train and work for public education in this province. To honour their commitment and dedication with less than a full guarantee of

remuneration during the remainder of their careers would be immoral.

Subsections 136l(12) to (18) inclusive should be replaced in their entirety. Subsection (16) will contravene some present collective agreements. For example, in Timmins we have several members who are protected by a grandfather clause in our collective agreement that was inserted when the Tisdale Board of Education amalgamated with the present Timmins board. This clause guarantees former employees of the Tisdale board that, upon retirement, they will receive a gratuity of one half of their last year's salary. No sick-leave credit calculation is involved whatsoever. I should think it likely similar situations exist elsewhere in the province.

Subsection 136l(17) should apply to any school board rather than to coterminous boards if subsections (12) to (17) are not withdrawn, and subsection (18) should be withdrawn regardless, because it would allow school boards to bypass the terms of teachers' collective agreements.

With respect to subsections 136l(19) and (20), I do not understand how these can possibly be enforced. Discrimination can easily be hidden under the guise of seeming reasonableness.

With respect to sections 136n and 136o, whither the student? These sections purport to govern registration of pupils in parallel systems. In practice, there are dangerous possibilities here.

Systems with a religious orientation are more likely to discourage or suspend students with behaviour problems, whereas public systems are more likely to be systems of last resort. A behavioural osmosis could result, with "bad kids" going through the intersystem boundary in one direction only—towards the public system. These students, incidentally, are high-cost students; they occupy an inordinate amount of administrative and support services. Such is already the case in Timmins at the present time.

As the expanding side of the parallel systems, the separate board may simply decide not to enter the higher-cost technical and commercial areas. Regardless of weighting factors, it would be very cost-effective to skim and concentrate on low-cost, academic students. By simply ignoring a part of the market, a system can appear to have even higher standards. It is impossible for the Timmins District Roman Catholic Separate School Board to offer technical and commercial programs to their anglophone students, given their present facilities.

However, it should also be noted that because of our large anglophone Catholic population in

Timmins, we could lose as many as 600 anglophone students from the public board. Interestingly, this figure coincides almost exactly with the present student body at Roland Michener Secondary School in South Porcupine. The non-Catholic parents of Schumacher, Porcupine and South Porcupine would vehemently oppose any attempt to transfer their local high school to the Catholic board. Although such a transfer would allow the Timmins District Roman Catholic Separate School Board to offer a full range of programs, Mr. Chénier, its director, has stated publicly the board would not be interested in such a transfer as it would mean almost all of the board's students would have to be bused from Timmins.

This means then that the Timmins District Roman Catholic Separate School Board is either not planning to offer the more expensive programs, thus saddling the public board with expenses, or it is going to request capital funds to build yet another fully composite high school in Timmins. If such a request is granted, it will be a considerable expense. If, on the other hand, it is recommended that Roland Michener Secondary School be transferred, it will cause deep resentment and divisiveness upon strictly religious grounds as several hundred non-Catholic students will be forced to leave their community school by a decision they had no influence in. Such a situation could scar and distort relationships in those communities for years to come.

What will happen in communities such as Chapeau, a neighbouring community, where as many as four distinct schools will operate within the confines of one building to serve the needs of 250 students? Or what about the town of Cochrane, where the community's sole high school is currently divided into two entities on language grounds. Already a third school is being opened within the confines of the building, a one-room school in the basement to serve 30 students. Is this in the interest of the students in all our schools?

It must be noted that with the transfer of students there will be a corresponding loss of teaching staff. Given our large anglophone Catholic population, the loss of up to 600 students would also translate into a loss of 38 teachers. In major centres such as Toronto or Ottawa, the loss of 38 teachers, while regrettable, would nevertheless have a negligible impact on public education as a whole in those communities. But in Timmins, where the total teaching staff for the board's two anglophone schools is 125, the loss of 38 teachers would

literally destroy the board's ability to offer all programs with its remaining staff.

The public board's staff would also age rapidly from an average age of 43.4 to one of about 50 with the loss of those teachers. This loss would further skew the present imbalance between male and female staff. We would lose mostly women; they would go from 23 to 15 per cent of the present population—16 of the 38 teachers would be women. You can check appendices A and B for that information later.

On section 136r, considerable power is being given to the planning and implementation commission, and yet this commission does not fairly represent the demographic distribution of this province. Roman Catholics make up 50 per cent of the commission and yet they make up only 35 per cent of the population. They are clearly overrepresented, while some significant Protestant groups have no representation at all. This is important because the biases of some commission members have been made quite clear by their comments in the past.

In sections 136w and 136x, who will guard the guardians? The planning and implementation commission is given startling powers. As a tribunal of one to three persons, appointed by appointees, hearing only two parties—both boards, which could well be in collusion or united against the interests of ratepayers or teachers—this tribunal could make an order having the same force as a judgement of the Supreme Court of Ontario. Is the Attorney General prepared to enforce these orders? Is it right that these orders could vitally affect a person's livelihood and that he or she could not be a party to the process or have any right of appeal?

**4:20 p.m.**

The wording of clause 136x(8)(c) would allow the tribunal to make decisions that contravene local collective agreements with regard to staff reduction. It is not inconceivable that a board involved in such a tribunal over staff reduction might decide not to negotiate under Bill 100 until it had a decision with regard to its staffing from the tribunal.

In summary, the Porcupine division supports the suggestion that a provincial referendum on the extension of funding to the public secondary schools operated by the Roman Catholic separate school boards be held in conjunction with the municipal and trustee elections in November. Given the complexity of the issues and the many participants involved, we would urge that implementation be delayed until various problems can

be resolved. We believe the unified school boards would best address the various needs of the vast majority of Ontario citizens.

I was here yesterday when you asked my colleague from York if he thought there would be any saving in a unified school board. He was caught a little off guard because of the short length of time he had to prepare his information. It is the belief of our federation that there are substantial savings to be made by a unified school board if you decide to go this particular route with the funding for Catholic schools.

We urge you to support the concept of universal access to all publicly funded secondary schools and to reject all employment practices based on religious or other discrimination.

We thank the social development committee for the opportunity to appear before it. We request an opportunity to return to the committee at the end of the public hearings to address our concerns on the proposed amendments to Bill 30, especially given the incredible disruptions that could occur in northern Ontario.

I have some questions I would like to ask, but I will defer those until after you have had an opportunity to ask questions of me.

**Mr. Chairman:** Are they the questions that are posed here?

**Mr. Rorke:** Yes.

**Mr. Chairman:** It might not be such a bad idea to pose them at the moment if you can, because I cannot guarantee I can handle that kind of backup to your response. So if you would like to pose them, maybe people in their questions can try to respond to them and get that interplay, mixing the two. It would be good to get them on the record and I would like to make sure of that.

**Mr. Rorke:** With reference to section 136a, do you support the principle of taxation without representation implicit in 136a? Or do you support the principle of no taxation without representation, which implies that non-Catholic ratepayers must be allowed to participate in a vote before a Catholic board decides to proceed with the extension of services through public funding?

With reference to 136d, do you support the principle that a Roman Catholic separate school board need not provide the full range of programs within its own jurisdiction, thus discriminating against some Roman Catholic students who wish a denominational education? Or do you support the principle that Roman Catholic separate school boards must provide the full range of programs, thus multiplying costs dramatically?

With reference to 136i, do you support the concept that Roman Catholic electors must elect representatives for the period from November until January 1986? Or do you support the concept that they may sit until November 1988, when their voting representation on public boards will far outweigh the constituency they represent?

With reference to subsection 136l(18), do you support the principles of collective bargaining as outlined under Bill 100, or do you wish to see Bill 100 subverted? Will subsection 136l(18) be removed?

With reference to subsections 136l(19) and 136l(20), Roman Catholic school boards are already in the business of distinguishing between who is a Catholic and who is not in their hiring practices. They are even distinguishing between who is a good Catholic and who is not. How can anyone hope to enforce these clauses when it can be so easily hidden under seeming reasonableness?

On sections 136n and 136o, would you support a request to build a new composite school for a Roman Catholic school board such as Timmins or would you require the transfer of the community high school, causing aggravated problems and deep resentment upon religious grounds in the local community?

Will you countenance the possibility of four distinct schools within the confines of one building to serve the needs of 250 students in Chapleau? How can you possibly balance the maintenance of a viable public board in such a community with Bill 30's demand that Roman Catholic boards must have the option to provide a full range of programs?

How can the viability of public education in Timmins be maintained if it loses one third of its teachers, almost all of whom will be its younger staff? How will the Timmins public board be able to offer a full range of programs when many of these teachers specialize in subjects for which the board has no qualified replacement teachers?

With reference to 136r, given that the planning and implementation commission will be given so much power, will you ensure that it becomes demographically balanced to truly represent Ontario's population? Or will you maintain it in its present form, thus giving Roman Catholics a disproportionately large representation?

**Mr. Chairman:** The reason I suggested putting those on the record first, besides the danger of not getting to them, was that, worded as they are or only slightly differently, they raise a number of questions the committee has to deal

with. A number of us have not been able to make decisions on all of them; on some of them we may have some answers and on some we may not. That is what is useful about the public hearings. The specifics of the Timmins area can be shown to raise the general question that is alluded to in each. Some members may like to try to take a shot at some of them as they pose their questions to you.

**Mr. Allen:** I am not going to attempt to respond to the whole series of questions; we are wrestling with most of them in the committee. Many of the points have been made in a number of briefs already, not least in the major brief that came from the Ontario Secondary Schools Teachers' Federation. We are doing our best to work our way through the multitude of imponderables that we have so far not pondered and the imponderables we want to ponder in a complex situation. It is premature for any of us to try to give you an answer on many of those very basic questions. We can only say we will do our best to work with them.

With regard to your points about teacher security, the designated-list volunteers and your technological-studies teachers, were you aware that the question of the designated list in terms of persons or positions has been a matter of debate in the committee?

**Mr. Rorke:** No, I was not.

**Mr. Allen:** Time and again we have run up against this question. Shifting the language to "designated positions" appears to become a very clear and sound move to make. That means you are not left with a matter of bumping on a straight seniority basis; you are left with the option of people volunteering and with the option of looking for people to move out who would be displaced by significant student transfers.

Unless I am wrong, I suspect that with regard to technological teachers, if you have a Catholic system that is not drawing away technological students and there is no place for them, in so far as there remains a body of technological students, they will stay in the system and there will be as much demand for technological teachers as there has been. They would not be likely to find themselves on the designated list unless they wanted to be. That raises a new dimension, but I would like you to respond to that scenario to see whether you think it meets your needs in any respect.

**Mr. Rorke:** Our collective agreement indicates that teacher reduction takes place via seniority. In identifying positions, we would still be identifying people by seniority. The last

people who entered our system would be the first ones out. They would have to be the designated people or in the designated positions. However you want to run it, it is going to wind up being these people.

**Mr. Allen:** If all the people you do not need are technological teachers, do they have to be maintained by the public board until such time as they are hired or worked back into the system?

**Mr. Rorke:** In the city of Timmins, three teachers were designated this year in the light of funding that the Catholic board expected to get and in the light of students who are already crossing over. One of those three teachers was a shop teacher. The problem was resolved, fortunately, because the public school board had decided to run over complement at both schools, so the teacher was taken back in. If that had not occurred, that teacher would have been without a job.

**Mr. Allen:** So from your point of view, volunteers moving on to the list are not a resolution of the problem?

**4:30 p.m.**

**Mr. Rorke:** If you can get enough volunteers, yes, but if you do not guarantee the salary, the working conditions and so on, there are simply guidelines from the commission. I do not think you would have very many volunteers. You have to keep in mind as well that the people who are at present teaching in the public system opted to teach in the public system, either because they were Roman Catholic and chose not to teach in the Catholic system or because they were Protestant or some other religious denomination and chose to teach in public education. It is not likely that you are going to get a lot of people volunteering to cross over.

**Mr. Allen:** That was not the experience in Toronto, for example. There were more than enough volunteers, and I do not know what the case is in—

**Mr. Rorke:** This year, but that is because of the wide variety of people you have in the city of Toronto. You have a larger number of schools to work with and you can play a lot of things up. You just do not have that kind of freedom in the system in a community such as Timmins.

**Mr. Chairman:** Mr. Allen, Mr. Offer has a supplementary question. Would that be possible?

**Mr. Allen:** Yes.

**Mr. Offer:** Mr. Rorke, with respect to voluntary transfer, do you envisage subtle pressures being put on Roman Catholic teachers

in the public system to transfer in the event there was the possibility of a voluntary transfer?

**Mr. Rorke:** I am happy to say that I do not know the religious denominations of many of my staff; I do not want to know. I do envisage, in staff rooms and other areas in the community, some pressure being placed upon Roman Catholic teachers in public education to transfer so that younger non-Catholic teachers will not be forced to go over. It is a distinct possibility and certainly will happen.

**Mr. Gayfer:** I think that is an important point. One of the things that bothers me about this legislation is that this year, for the first time, I have found out the religion of some of the other teachers because they have been asked, "Hey, you are a Roman Catholic. Why don't you go?" and I do not think that is good. I do not think that is healthy.

**Mr. Allen:** You refer to teachers retained on the designated list who are not hired as being in a kind of involuntary servitude. It sounds like strange language to anyone who does not have that kind of almost-blanket employment security that the bill appears to offer to the public secondary school teachers.

**Mr. Rorke:** The bill does not offer blanket security because those are only guidelines. That is point number 1. Point number 2 is that—

**Mr. Allen:** Say that again.

**Mr. Rorke:** There are no blanket securities in this bill; there are only guidelines that a commission will create.

**Mr. Allen:** They are only—sorry?

**Mr. Rorke:** They are guidelines that will come out from the commission.

**Mr. Allen:** They are guidelines from the commission, but as I understand the legislation, it makes it quite plain that, if necessary, you have to be retained with the public board for the life of your employment, if you are not hired off the designated list.

**Mr. Rorke:** Yes, I will take that. What was the rest of the question again?

**Mr. Allen:** Why is that involuntary servitude? I do not understand the language.

**Mr. Rorke:** The involuntary servitude was with reference to the possibility of the provincial pool that was being envisaged in the bill. The way it is worded, it is vague in that you are hired with the public board until you are offered a job with the Catholic board and refuse it. A teacher who is teaching in Toronto could be offered a job with the Catholic board in Muskoka, and if he

refused the job, under the pool system—which I understand from your other comments seems to be going out the window—the wording is vague enough that you could then say to him: "You have been offered a job. We no longer have to guarantee you a job with the public board." That is my understanding of the legislation. Is that incorrect?

**Mr. Allen:** The language that we have used in our discussion on that point, and whenever we have asked the questions of the separate boards, has always been, "Would you be prepared to accord to volunteers and to those hired provincially off the designated list the same security as to those persons on the designated list, as envisaged by the legislation?" I would presume, that being the case, there is no way anyone can be bumped off the list unless, as you say, he or she refuses that particular offer from another board somewhere else.

As I understand it from the office of the Ontario Secondary School Teachers' Federation, they have a lot of technical problems—this did not appear to be one of them—with the working of that kind of system. Your advice to us would be that there should be additional protection with regard to being hired from a noncoterminous board that is not given to a person on the designated list for hiring within a coterminous board situation. If so, what should that protection be? Perhaps I am reading too much into your answer.

**Mr. Chairman:** I think we are a little at cross purposes. The definition we have been given of section 1361 is that, as the legislation states at the moment, the only situation where you can be considered to have been offered a job that might disqualify you or take you off the list is with a coterminous board, and that the other is just a voluntary list.

One of our problems as a committee was, why would anybody want to be hired on that list when he is not a designated person on the provincial pooling list and lose all the protections that are there for a designated person?

Therefore, we have been talking about whether you maintain the pool for provincial purposes in case somebody does want to move—and if you do, you must obviously add in those protections—or whether you are better just to knock out the pool and have the local coterminous board situation where all the protections are in place.

When we went through this, legislative counsel indicated to us that the intention was only the coterminous boards. We are very aware of the problem you were talking about.

**Mr. Rorke:** Servitude does not exist.

**Mr. Chairman:** Hopefully not in that particular matter.

**Mr. Gayfer:** As a mathematics teacher, I could be offered a job in which the majority of my timetable would be teaching English or history. That would be the choice I would have to make. I might be very uncomfortable with that choice, which gives me no real choice, and therefore I would lose my status on the designated list. I think that was perhaps the reference to "involuntary servitude." I would not like to end my days teaching English and history.

**Mr. Allen:** I understood the hiring from designated positions was to relate qualifications to specific openings in the other system so that you would not be jeopardized in the same way as if you were not a designated person in the first instance.

**Mr. Gayfer:** That does not exist at the moment in the legislation.

**Mr. Chairman:** One of the things that I think has been raised even by the OSSTF—I believe; I cannot remember because we have had so many presentations—was to the effect that, because of examples of that sort, one turndown is not an appropriate mechanism for the proper protection of teachers.

**Mr. Allen:** There is some movement around all that, which I think will be to your benefit and which will provide adequate protections.

As a final comment, we have been told the red-circling arrangement is intended to provide just what you want, namely, that you will not slip below the salary level at which you crossed over. That cannot happen; the worst that can happen is you stay at that position until the rest of your cohort in the separate system catches up to you. If the language does not say that, we intend to make it say that.

**Mr. Chairman:** Is that all you are asking for in that matter or are you asking for a continuing maintenance at the OSSTF level, rather than the Ontario English Catholic Teachers' Association level, so that the person would not only have the level maintained but also would keep in step with his brothers and sisters in the OSSTF in each year?

**Mr. Rorke:** That is correct.

**Mr. Chairman:** I thought that was what you were saying, which is different from what red-circling means here.

**Mr. Rorke:** They did not choose. You have to remember that most of those people are not going

to volunteer, in the usual sense that we use the word "volunteer," to go to that system. They have opted for the system they wish to work in. They are going to be forced to go to the other system. They should not be financially penalized for the rest of their careers as a result.

**Mr. Chairman:** Can you tell us what the situation is in the Timmins area as to how different the contracts are?

**4:40 p.m.**

**Mr. Rorke:** One of the things the Catholic board in Timmins is doing this year, and it is doing several things, is that it has changed its pupil-teacher ratio to bring it down to that of the public board so the working conditions will be similar. Its salary scale is lower. I do not have the grids here, but it is \$3,000 less for equal qualifications. That should change, however, in a city such as Timmins. Again, it is different from most other communities in the province because once École Secondaire Thériault is transferred to the other board, it will be taking over our contract and presumably the teachers at O'Gorman will get the same contract, so that their salary problems will be removed.

**Mr. Chairman:** The only reason I asked is that we often hear the general and I just wanted to get some specifics.

**Mr. Rorke:** In most communities where there is not such a large French population, they will not have the benefit of taking over our contract at some point.

**Mr. Timbrell:** I want to ask one question. I apologize, but I had to be out of the room for virtually all of your presentation. When I came back, I was interested in hearing you refer to what you call the unified board or what I would call the consolidated board, which was provided for in a number of the drafts preceding that which was finally introduced as Bill 30. Do you see this, as some of us do, as a possible remedy of the problems associated with the introduction of this policy in single-school communities?

**Mr. Rorke:** Absolutely.

**Mr. Timbrell:** Do you think it will be particularly helpful in northern Ontario?

**Mr. Rorke:** If you decide to go this painful route, it may be the only solution.

**Mr. Timbrell:** What is your impression of the way Roman Catholic supporters and school board officials feel about the concept, recognizing that even in the earlier drafts it was not obligatory, it was permissive.

**Mr. Rorke:** I would not presume to speak for them.

**Mr. Timbrell:** You have not heard any comment in your part of northern Ontario about it?

**Mr. Rorke:** No, sir.

**Mr. Timbrell:** Thank you.

**Mr. Allen:** What is your sense of the structure of a consolidated or unified board? Yesterday, I was reading the Nipissing board's submissions in which they envisaged a council of education and a tier under that, so there were the equivalent of mini-boards responsible for a range of particular curricular and academic concerns.

**Mr. Rorke:** Their structure is the most detailed one I have seen and is the one I understand as the unified school board.

**Mr. Allen:** I see.

**Mr. Chairman:** It is good to bring that to the attention of all members. That brief has a very detailed and interesting model to have a look at.

I have a question or two, because we do not deal very much with the specifics of a community. You indicated that in its first year—and as I recall there has been a proposal go through the commission already which has been accepted for Timmins; one of the few areas in the north where that has happened—there were three teachers—

**Mr. Rorke:** Three teachers were designated, as things turned out, because I think the Timmins public board eventually went five teachers over complement in its two schools. That, combined with a couple of retirements and several sabbatical leaves, took care of the whole teaching staff. So even though there were three designated positions which public teachers could have opted for, no one was in a position where they had to opt for them or not have a job for the coming September; so even though there were three positions open, no teacher applied and thus no teacher made a transfer.

**Mr. Chairman:** How many students were involved in the projection that came up with that designation of three? How many students did they think would move in this first year, can you remember?

**Mr. Rorke:** I think they were using a 17 to 1 ratio, so we are looking at just over 50 students.

**Mr. Chairman:** You mentioned several kinds of options on the whole question of technological studies and the takeover of an entire school, or perhaps even the development of a new composite school. One of the things the minister has talked a lot about is the whole question of the

sharing of facilities. Has the Catholic board in Timmins been talking about not putting on its own technological programs, but about a purchase of service with your public board? Has that been something which has been considered?

**Mr. Rorke:** The Catholic board's submission to the implementation commission is here, and in the section on accommodation it says: "The board proposes to lease the private school building for 1985, 1986 and 1987 and purchase it subsequently. In 1985, the board shall have to continue renting a church hall for dramatic arts. In 1986, the board will definitely have to look at obtaining additional portable classrooms. It is important that the ministry recognize that O'Gorman will need permanent facilities of its own very shortly if it is to offer the programs that a regular secondary school usually has available. There are no facilities in the city that can be shared."

**Mr. Chairman:** Okay. So, from your perspective and that local example, the desire expressed by the minister is not actively being pursued at this point. Rather it seems they are going down the road of their own school with total facilities.

**Mr. Rorke:** Yes, but eventually looking at requesting funds to build a new building, presumably a composite building.

**Mr. Chairman:** That is the kind of thing of which it would be interesting for us to see more, and I presume we will as we travel, with respect to just how much the notion of sharing can be picked up. Perhaps now it is being reinforced by the minister, people may change their minds about having their own schools built.

**Mr. Offer:** I have somewhat of a supplementary.

You indicated the enrolment in your district on a somewhat snapshot-type basis. Can you give us some idea as to whether the enrolment, on a year-by-year basis, is increasing or declining and by how much?

**Mr. Rorke:** It is definitely declining in the eastern end of the city, the area of Schumacher, South Porcupine and Porcupine. Student enrolment at Roland Michener Secondary School has dropped from a high of about 1,060, 11 or 12 years ago, and is now about 575. I am not quite certain of the history at Timmins High and Vocational School, but they are running at about capacity and, in fact, have projected a slight increase for the coming year, which surprised many people. They too are generally declining somewhat, but at a much lower rate.

**Mr. Offer:** Does it seem the decline you are talking about in this area is subsiding to some sort of stability?

**Mr. Rorke:** No, our feeder schools have shown us that, for the students who are presently in grades 8, 7, 6, 5 and so on, the decline will continue as they come up.

**Mr. Reycraft:** I would like to touch on the referendum suggestion that has been made. I am not sure which individual mentioned that, for the first time in his teaching career, he was aware of the religious inclinations of staff members. What effect would a referendum have on your staff, and to expand even on that, on the community?

**Mr. Chairman:** Who wishes to be the seer and try to answer that?

**Mr. Gayfer:** I would not presume to decide what effect it would have. It would certainly make the pill easier to swallow. At least the people who are ultimately going to pay for this project would have had a direct say as to whether or not it should be done. It strikes me referendums are not the best way to solve things, but there are certain fundamental questions I think the people must be asked. I think conscription was one. Fortunately, the Quebec referendum came out in a way that, perhaps, the rest of Canada found positive. One does not know, but it would certainly make your job a lot easier, you would know the answer.

**Mr. Chairman:** Mr. Rorke would like to try as well. I think one of the dangers some of us see is the question of whether a referendum is the right way to deal with a minority rights question? Does that not beg a question as well?

**Mr. Gayfer:** It is a fundamental question because it changes the course of education in this province.

4:50 p.m.

**Mr. Rorke:** The community of Timmins has a considerable French-Catholic population. The French population of Timmins has developed mostly over the last 20 to 30 years. They moved over from Quebec, essentially from Rouyn-Noranda, and Timmins went through some growing pains with that. There was a lot of cultural friction along language lines and a referendum could reopen that.

Nevertheless, if you do not have a referendum and start doing things such as, and this is a possibility, giving the high school in the east end of the city to the Catholic board so that they can have a fully composite school, and it could easily be justified in terms of population, enrolment and

so on several years down the road, it would also cause considerable religious conflict.

As Mr. Gayfer has said, things would be a lot easier to accept if everyone had the opportunity to have a say through a referendum. Otherwise, people have the feeling that things have been shoved down their throats instead of having a say in what happens.

**Mr. Reycraft:** I would just comment that the divisive effect, both during the referendum period, before the municipal elections, and after, whatever the outcome, would far outweigh any advantage we might realize out of it.

**Mr. Chairman:** That is giving us two perspectives and I think there are many more on this whole question of referendums and when they should be used.

Thank you both, very much, for your participation, and I am glad we were able to extend the time. I hope it has not interfered too much with our final deputant of the afternoon.

Your proposal to try to come back may leave us with some difficulties if various locals make that request of us, besides the large body, Ontario Secondary School Teachers' Federation, to which we have already committed ourselves. We would like people to have input again, so I am wondering if I might ask you, in terms of trying to help us with this, if you could talk to the larger body, if I can put it that way, and ask them if there is some way they can guarantee that next time they come to us, there would be a northern representative who is able to talk to the things you are speaking to, so we might be able to co-ordinate the concerns. Otherwise, I fear we are going to have to make some arbitrary decisions about which locals can or cannot come and that would be rather unfortunate.

If the federation can come up with a good way of dealing with this, it would be very helpful. Any suggestions you can pass through to us, as we try to work this out, would be very useful.

**Mr. Rorke:** Thank you. We appreciate the time that you have given us.

JIM WILLSON

**Mr. Chairman:** The final afternoon deputa- tion is from Mr. Willson, who I would ask to come forward at this point. His is brief number 140, for those of you who have your files with you.

I apologize that we have gone a little longer than we would like. We have tried to keep the presentations within the time, but we also wanted to make people feel they were getting a chance to be heard and not just rushing their presentation.

**Mr. Willson:** I appreciate that.

**Mr. Chairman:** Welcome, and please proceed any way you would like.

**Mr. Willson:** My name is Jim Willson. Three years ago I took an early retirement after teaching as a public school teacher and principal for 36 years. Most of the time, I taught in Etobicoke.

I am also one of those people who has voted Conservative all his life, and who was disenfranchised at the last election because I could not support any of the political platforms of the main parties. However, I did not find the Roman Catholic situation repugnant enough to vote for the one person in the community, running on behalf of the Communist Party, who did not support the extension.

During the 1960s, under the leadership of William G. Davis as Minister of Education, Ontario had developed the best system of education in the world. Roman Catholic schools were then, as they always had been, a minuscule part of the system.

As an inspector of schools on loan to the Department of National Defence schools in Europe, I was able to compare at first-hand American, English, French, German and Dutch schools: the quality of Ontario's education was obvious.

When I returned to Ontario, I saw each year a smaller and smaller share of the cost of the public schools borne by the provincial government. More and more money went to the Catholics. Now the province bears less than 10 per cent of the cost of the public schools in Metropolitan Toronto and pays more than 80 per cent of the Roman Catholic schools. It is obvious that the province cannot afford to support two quality educational systems. The underfunding of the public system has, at least in part, led to disaffection.

The other day on television I saw and heard some members of the Legislature express surprise that the estimates, using the term loosely, for the costs for the first year of implementing this scheme had escalated from \$40 million to \$80 million. Come, ladies and gentlemen, you are not that naive. When all the costs are known, some time late in 1986 or perhaps in 1987, the extra taxes needed for that first year will exceed \$160 million.

I wonder how many taxpayers know that school board budgets run on a calendar year basis and that the \$40 million, \$80 million, \$160 million or whatever is being bandied about as the cost for the first year, is only for four months, from September to December 1985, for one

grade and for the few boards ready to proceed. The true additional costs to the taxpayers of Ontario will soon be in billions of dollars.

Are any of you worried about Ontario's triple-A credit rating? Ontario cannot afford two systems of education. I hear people say Quebec runs several systems. In spite of the fact that Quebec is rich in natural resources and has a large population, it is a have-not province, at least in part as a result of its inadequate school system. Ontario's school graduates are subsidizing Quebec. You will note there is a dual system in Northern Ireland and in South Africa. Is that what you want for our boys and girls?

I suggest you go to Malton or some other area in Metro or its vicinity where there are large numbers of recent immigrants to Canada. The Sikhs, East Indians and blacks go to the public schools while the Italians go to the Catholic schools. Is it not ironic that about 20 years ago the Separate Schools Act was amended to delete the section that provided for separate schools for coloured people? At that time there were no separate schools for coloured people, but this huge infusion of government funds to the Catholic schools has created separate schools for coloured people.

The other irony is that the federal government is spending millions of dollars through its multicultural programs to try to forge a country where people of all races, colours and creeds will live and work in harmony. Now Ontario is planning to undermine these goals by spending additional millions of dollars to divide our children. Ontario should not be using tax money to divide our boys and girls on the basis of religion.

## 5 p.m.

The other day I heard the leader of the Ontario English Catholic Teachers' Association say that the dual system has worked for 150 years and that extending it two grades would not be that big a change. Aside from the fact that his arithmetic seems a little faulty—11, 12 and 13 appear to be three grades, although I realize that changes have occurred in the secondary schools—up until the recent wave of immigration after the Second World War, the separate school system formed a very small part of the educational system in Ontario. Until the 1970s the funding extended only to grade 8.

I wrote a number of letters to various people—to my member who happens to be Mr. Leluk, to Mr. Timbrell and to various other people. I got interesting replies. Most of the Conservative members sent me a very flashy

brochure of Mr. Davis's speech when he introduced this. I think I have more copies of it than most people in the province.

But I did get a personal letter back from Mr. Timbrell, and I would like to quote part of it:

"I fully expect, as a member of that committee and as the Education critic for the Progressive Conservative Party, that we will propose amendments to the bill, which will in no way diminish the commitment of all three parties to the extension of funding. These will hopefully make the application of this policy fair and equitable to all parties concerned."

I do not see how you can, on a fair and equitable basis, tax those of us who are non-Catholics and provide the money to Roman Catholics. Certainly you cannot do it so that I feel it is fair and equitable.

It does seem rather strange that we must be bound by a British law from the 19th century. We have brought many new laws into the 20th century. We no longer hang murderers, shoot spies, cut off the hands of thieves or place debtors in prison. It is time to bring our educational laws into the 20th century by doing away with tax-supported Roman Catholic schools, that we may strengthen the one system that teaches peace, harmony and co-operation. Incidentally, it would also help to reduce our deficit and maintain our triple-A credit rating.

I was surprised and shocked to note that the Minister of Education and other Roman Catholic members of the Legislature voted on this bill. Surely this bill will use tax money to create additional jobs as teachers, secretaries, caretakers, bus drivers and maintenance personnel exclusively for Roman Catholics. Roman Catholic members of the Legislature may expect their relatives and friends to benefit. Roman Catholic members have an obvious conflict of interest.

If the government of Ontario insists on giving tax moneys to the Roman Catholic church through its schools, this bill should at least be amended so that non-Roman Catholics receive a tax rebate equal to the percentage of the provincial budget going to the separate school system. Perhaps such an amendment is what Mr. Timbrell and other fair-minded legislators had in mind.

I thank you very much for the opportunity to plead for the welfare of all the boys and girls of our province. I know all three parties have said, "Do not bother us with the facts. We have already made up our minds," but one can always hope that fairness and justice for all races, colours, religions and creeds will prevail and that our

government will end tax support for the Roman Catholic church and re-establish one strong school system for all. Thank you very much.

**Mr. Reycraft:** Mr. Willson suggested that the first-year cost of implementation of the extended funding would be \$160 million. Is there any basis for that figure or is it based on a projection? I will let you answer the question.

**Mr. Willson:** It is rather interesting that the director of education in Peel reported to his board just the other day that his estimates of the costs were going to be a lot more than \$80 million. I pulled the \$160 million out of a hat the same way his people pulled out the \$40 million.

**Mr. Reycraft:** Thank you. You mentioned, while elaborating on that, that the real cost was going to be much higher on a calendar-year basis because the figures provided so far really represented only first-calendar-year costs for four months.

**Mr. Willson:** Yes.

**Mr. Reycraft:** The cost was much higher than that. I want to correct the record. Those are first-school-year costs. The figure of \$80 million is for the 1985-86 school year, not the first calendar year.

**Mr. Willson:** That would be quite different from what has been done previously. As I say, I was in the system for 36 years and each time we came to negotiations and so on, school budgets did not run over from one year to the next.

**Mr. Chairman:** I wonder if we could ask the ministry official to explain. I noticed that a number of people had that initial thought and perhaps you could explain how this has come about.

**Dr. Graham:** You are right. That is how we have calculated projected costs. In this instance, however, we were asked to calculate it on a school-year basis and our financial people did so on the 1985-86 school year, from September 1985 to June 1986.

**Mr. Willson:** You came up with \$40 million?

**Dr. Graham:** We came up with \$80 million.

**Mr. Chairman:** That might explain what happened to the \$40 million. We never really knew for sure.

**Mr. Reycraft:** Again, with respect to the cost of implementation, once the proposal is fully implemented in 1987, it is estimated the bulk of the cost will be in the neighbourhood of \$150 million per year. It has also been suggested that most of that consists of provincial transfers made to the boards on a per-student basis. That amount

is estimated on an additional 30,000 students and the cost would then be \$120 million per year.

On the assumption that the 30,000 students, without extended funding, would remain in the privately funded separate system in grades 11, 12 and 13 and choose not to remain in that system but enter the public system at an additional cost of \$120 million per year, would you object to the cost to the taxpayer and the impact on the financial crisis or the increase in the deficit, as you do now?

**Mr. Willson:** I do not accept your preamble. The additional costs are going to be duplicated. You cannot operate two 500-pupil secondary schools at the same cost as one 1,000-pupil secondary school. However, I believe all the people of Ontario should pay for a public school education which first of all stresses literacy and prepares a person to be a good citizen in a democratic society. No, I would not object to additional costs for having people in the public school system.

**Mr. Ward:** This is on a minor point. Mr. Willson makes some valid arguments that, as I am sure he can appreciate, we have heard during the course of these deliberations. A point raised two or three times that troubles me is the suggestion that Roman Catholic members of the Legislature have a conflict of interest. I do not see how they can have any direct pecuniary interest in the matter. Why are they perceived to have a conflict of interest any more than non-Roman Catholic members of this Legislature who may be public school supporters by reason of their taxes? How do they have a conflict of interest but not the Protestants? I fail to see that and have considerable trouble with these suggestions.

5:10 p.m.

**Mr. Willson:** I was involved in hiring with a public school, and applicants were not even asked their religion. If this bill or anything like it goes through and you want to be a teacher in this province in the future, you had better be a Roman Catholic because you will have the equal access to the public schools that you have now. Remember, these are public schools; they are not Protestant schools any more, are they?

**Mr. Ward:** No, they are not.

**Mr. Willson:** In addition, they are going to have exclusive rights in getting jobs in the separate school system. Therefore, the money is going exclusively to Roman Catholics.

**Mr. Ward:** I guess my point is that the pecuniary interest in this matter of a Catholic

member of the Legislature is no different from that of a Protestant member in one way or the other.

**Mr. Willson:** We disagree on that.

**Mr. Ward:** I have never been able to comprehend that argument.

**Mr. Chairman:** The point can be made that if a Protestant voted against this, it would be in his pecuniary interest to do so—or a public school supporter—

**Mr. Willson:** I see.

**Mr. Chairman:** —but only one of them did. I understand the points that are being made on both sides.

**Mr. Davis:** I would like the ministry official to clarify something for me. He said that for the funding for this year they were asked to fund from September 1985 to June 1986. Is the projection for the second period from September 1986 to June 1987 or from September 1986 to December 31?

**Dr. Graham:** It is June 1987; one school year each time.

**Mr. Davis:** One school year each time. The projection is that \$150 million or \$120 million—I keep getting them all confused—will be required to keep the separate secondary school system operating after the initial three years. Is that a calendar year?

**Dr. Graham:** It is always calculated as a school year, which is being consistent.

**Mr. Davis:** That is very different from the funding you have ever used before.

**Dr. Graham:** Yes. However, we were asked to make projections so we thought that would be the easiest way, so that it could be communicated most accurately.

**Mr. Davis:** Can we then assume that your funding is going to be based on school years in the future?

**Dr. Graham:** No; I would not assume that.

**Mr. Chairman:** To give them their due, it is so we are not always dealing with two sets of figures and being even more confused about the funding matters than we have been. I presume that was the rationale.

**Dr. Graham:** We have three possibilities. We have the calendar year, the fiscal year and the school year. We chose to keep it consistent and use only the school year for this purpose.

**Mr. Davis:** I am sure trustees across the province would love to have you fund for the school year.

**Mr. Reycraft:** The municipalities' tax bill would not.

**Mr. Chairman:** I was going to say I think the conflict probably does come down to the municipality and its tax billing and the schools.

Mr. Willson, I do not think any other members have questions. We appreciate the time you have taken and your patience with us when we went a little longer with some of the deputations than I would have thought.

**Mr. Willson:** Thank you for hearing me.

**Mr. Chairman:** All members should have received some of their travel information at this point.

I had some discussions with ex-Premier

Davis's office this afternoon. I have nothing definitive to tell you, which perhaps should not surprise you. He says he is going to try to contact me at the beginning of the week. I indicated we would be out of town in Windsor but I would make myself as available and be as close to a phone as possible, so we could get an answer from him around that time.

The other thing I am not sure has been dealt with clearly is that we will be holding hearings in Ottawa on the Saturday. I appreciate the help of those members who have said they will be able to be there. The chair would appreciate your support on that Saturday morning.

The committee recessed at 5:15 p.m.

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No. S-23

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Thursday, August 1, 1985

Evening Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Chairman:** Johnston, R. F. (Scarborough West NDP)

**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith

Clerk: Mellor, L.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, August 1, 1985

The committee resumed at 7:34 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

#### DURHAM REGION ROMAN CATHOLIC HIGH SCHOOL GROUPS

**The Vice-Chairman:** We will start this evening by having the first group come forward. For the members of the committee, there are four briefs involved this evening, exhibits 140 to 141. The first group is the Durham Region Roman Catholic high school students.

**Mr. Jeffers:** Mr. Chairman—

**The Vice-Chairman:** Do you have a different order?

**Mr. Jeffers:** No, we do not have a different order. However, I would like to present the delegation.

**The Vice-Chairman:** Would you make sure you are speaking into the microphone, please? If you would like to sit, that way we will get you on the record.

**Mr. Jeffers:** My name is Bill Jeffers. It is my privilege to present to you four delegations from the two Catholic high school communities of Durham region. They represent Paul Dwyer Catholic High School in Oshawa and Denis O'Connor High School, which is located in Ajax, but serves the students of the Pickering and Whitby areas.

The groups will each address you for a 15-minute period. They will focus on the extended funding issue from the perspective of students, teachers, those involved in fund raising and, finally, parents, alumni and alumnae. Each group will do its own introduction.

It is our understanding that after the presentations there will be an opportunity for you, Mr. Chairman, and the members of the committee to question the groups and the speakers. A written report for each of the groups is also available.

I would like first of all to call on the students' group, starting with Ms. Tracey Vrebosch.

**The Vice-Chairman:** Tracey, could you introduce your colleagues?

**Ms. Vrebosch:** Yes. On my immediate right is Ray Wrubel, who is another grade 13 student from Paul Dwyer Catholic High School in Oshawa; followed by Paula Hadden, a graduate of Denis O'Connor in Ajax; and then Eric Longbotham, who is also a graduate of Denis O'Connor.

May I suggest we invoke the help of the Holy Spirit of God tonight, that He be with us and help us in our deliberations.

When I was first invited to join this committee and was asked to do an oral presentation, I spent a long time trying to figure out how I could verbalize my feelings about Catholic education and, more specifically, my own school, Paul Dwyer. I wish there was something I could say that would miraculously enlighten you to my way of thinking, but I do not know exactly what the words would be.

What I can say is that attending a Catholic high school for the past four years has made a very large impression on my life, which I will never forget. Both the staff and students have become like a family to me, and I do not know what I would do without them. In spite of the tuition, if I ever had to do everything over again, there would be no doubt in my mind that a Catholic high school would be chosen.

Having experienced a Catholic education, and speaking particularly about the religion course, it has helped me tremendously in establishing a strong faith. It has given me a chance to discuss and become actively involved in my God and my beliefs. Also, it has given me a chance to discuss morality. Because of the religious program, I have formed a very strong set of values that will help guide me for the rest of my life.

I do not think it is fair that any Catholic child should be denied the right to this type of education simply because of financial problems. It is really hard for a lot of people to pay that much money, no matter how important a Catholic education may be to them. A lot of students I know choose to take on a part-time job in order to pay for their tuition. In other cases, the parents might really have to stretch their budgets to afford it. Even with all the money we do put out, the facilities are not always what they should be.

Although I live within walking distance of our school, over 90 per cent of the students who attend Paul Dwyer have to spend hours each day taking the bus to and from school. For senior students, who do not receive bus tickets, this can be quite an expense because they have to take the city buses.

Overcrowding is also a problem. Our grade 13 students did not even have the use of lockers until November 1984. There is also limited gymnasium time. There are students who wait until 7:30 and eight o'clock at night or come in at 6:30 in the morning for team practices, simply because that is the only time the gym is available.

In spite of the inadequate facilities, I strongly believe the most important issue is maintaining the catholicity, the feeling in the Catholic high schools, because without that they would just become like other public high schools and, in my opinion, that would be a tragic loss for future Catholics.

**Mr. Wrubel:** My name is Ray Wrubel, and I present myself before you today to recount the part Catholic education has played in my life.

I am currently entering grade 13 at Paul Dwyer High School in Oshawa. The proposed legislation on extending funding to separate high schools will unfortunately not affect myself. However, I can inform you about what a Roman Catholic education is as a result of my years of experiences at Paul Dwyer.

I decided to follow my brother and sister and I enrolled at Paul Dwyer, a school steeped in tradition. It was obvious, once I was within the walls of Paul Dwyer, that it was no ordinary school. The sense of togetherness and school spirit displayed by the students made them feel they were contributing to the school.

Holidays and their meaning became more vivid as Sister Anne led our student body in a celebration of the Eucharist. These retreats and celebrations strengthened each and every student's morality and values. The teachers added another dimension to my Catholic education, role models for each student to look up to. Their teaching was not confined only to the classroom; they made themselves available to the students for extra help or much-needed guidance. Our clubs and teams made good with what they had, more than often doing more than what was expected of them.

Although Paul Dwyer has shown me much guidance, my parents have truly shown me what being Catholic is all about. They have shouldered the burden of putting three children through school. My parents and I stand wholeheartedly

behind the planned educational reforms. Although we will reap no immediate benefits, we must think of the doors that it will open for future generations of Catholics. In my mind, there is no education like a Catholic education.

**7:40 p.m.**

**Ms. Hadden:** My name is Paula Hadden and I am a recent grade 13 graduate of Denis O'Connor Catholic High School in Ajax. I would like to share with you some of my personal feelings regarding Denis O'Connor, as well as some of my concerns about the future of separate high schools.

Five years ago I started my secondary education at Denis O'Connor and I can sincerely say my education was complete in all aspects. As students in a Catholic high school, we learned in an environment in which Christian beliefs are integrated and thus provide a unifying factor where our education is concerned. Our education prepares us for the real world, to be consciously aware of and understanding and respectful of all mankind.

Our school is a community composed of students, teachers, parents and religious members. Along with our home and parish communities, our school community plays a major role in passing on our faith. Therefore, teachers have an important role, not only to share with us what they know, but also to reveal to us who they are by living what they believe and what they teach.

We acknowledge that we are a school with a difference. We have similar programs to schools in the public system, but we are taught with unique perspectives in mind. We are all bound together by a very strong link, that of faith. This link provides us with an atmosphere that is conducive to our learning process. I think it would be detrimental to this atmosphere to undermine the constitutional guarantees that created the separate school system in the first place.

As part of our school year at Denis O'Connor, each student participates in a retreat. These retreats consist of a full day, or perhaps a few days, away from school. During this time we are given a chance to contemplate ideas, express opinions, share thoughts and, most of all, learn. We learn about ourselves, who we are and what we want to be. It is during times such as these that we rediscover what an important part of our life our religion is and how it is essential that this principle co-exist with our educational process.

**Mr. Longbotham:** My name is Eric Longbotham and I am a recent graduate of Denis O'Connor High School in Ajax. This small

report deals with why I chose a Catholic high school, my opinion of Catholic high schools, namely, Denis O'Connor or DO'C and why I think these schools should receive full funding.

Many factors were involved in the decision to attend a certain high school. In my case, I chose DO'C for two reasons. First, DO'C had a very good reputation as being a good school with lots of school spirit. Second, the grade 8 orientation held at DO'C to help attract students revealed this spirit and a truly personal atmosphere. DO'C was the only school in the area to have the grade 8 students brought to the school to see what it was like and also to help dispel any apprehension experienced by the grade 8 students.

This crucial decision also involved my parents, as there was the financial sacrifice to consider. This was a large sacrifice, for my parents paid approximately \$2,500 in tuition from grade 11 to grade 13. This commitment to Catholic education by me and by others is proof that religion and moral teaching are important to those who attend DO'C, so important that our annual fund-raising event, the 30-kilometre DO'C-athon, was made a success every year by students, teachers and parents who cared about the school.

Contrary to popular belief, there was no feeling of deprivation in the school. Some facilities left a lot to be desired, but the school spirit helped a lot. Also, those in a Catholic high school have not been cut off from the world or placed in a cushioned environment. We were constantly being reminded of the Third World countries and the underprivileged through various drives for money, food and clothing, not to mention the contrast between the affluent and the poor, as shown on a day trip known as the Inner City Walk in Toronto.

Another way we were made aware of the community was through compulsory volunteer work in a nursing home or other institution for grade 11 religion. Through this volunteer work, we got a taste of community involvement and also of responsibility.

Another major part of the high school life is the teachers and how they act as role models. I always expected and received respect from my teachers and also fairness towards myself and others. Teacher participation in the faith, life and other school activities converted the teachers from mere teachers into friends.

This past year, when Mr. Dineley, one of our teachers, died, our school came together to support the Dineley family. The presence of our faith and having a priest in our school helped us

overcome the shock of his sudden death. The entire school attended the funeral, and we knew that Mr. Dineley was going to a better place, although we felt his loss deeply.

Even though religion is an important part of our school life, it does not dominate or control the students. It exists in the school as a strong, underlying principle and especially as a way of becoming closer to God. This closeness was achieved through school retreats which helped develop the faith and a greater awareness of self and others.

Religion is the backbone of the school. Just as a person without a backbone would be like a jellyfish, Denis O'Connor Catholic High School without the religious aspect would become just another school.

In closing, I would like to say funding is very important to Denis O'Connor and to any other Catholic high school because it means that the schools will have the opportunity to educate the students in the faith and have the extra facilities which are necessary for a well-rounded education.

**The Vice-Chairman:** Thank you very much. I am not sure if we want to proceed with questions now or whether we are going through the four presentations. I understood we were going through the four presentations first.

**Mr. Allen:** It will be awkward moving them back and forth since there are only four seats, not eight. Unless there is some really great tactical advantage for you in doing all your presenting first, it could be a little bit more convenient to do the questioning of the students now.

**The Vice-Chairman:** It is fine with me. I am just going by what was originally requested.

**Mr. Jeffers:** I think we can go on with the questions now.

**The Vice-Chairman:** Okay, that is fine. Dr. Allen.

**Mr. Allen:** I wonder if you would describe your school just a little bit further for us in terms of the range of programs offered and how large the schools are. Give us some sense of what goes on there on a daily basis.

**Ms. Vrebosch:** Paul Dwyer was originally built for about 500 students. Right now we have many more than that attending. The range of programs is as good as that of the public schools.

**Mr. Allen:** Are they principally academic subjects?

**Ms. Vrebosch:** Yes.

**Mr. Allen:** Do you have other programs such as business and commercial subjects, technical subjects?

**Ms. Vrebosch:** We do have business and commercial subjects. The students in grades 9 and 10 were offered the chance to go to another school where the facilities were offered for family studies and industrial arts, if they wanted to.

**Ms. Hadden:** At Denis O'Connor we were in a unique position in that this year we just entered a new facility in Ajax. We moved from Whitby to Ajax. Our facility in Whitby was eight classrooms, about 16 portables and a very small pocket area of land adjoining the church. Things there were very crowded.

This year we moved to a really nice facility in Ajax with a lot more land, but already we are finding it very compact, because we are expanding so rapidly. In this new facility we have home economics facilities and shop facilities. Those are shared with elementary schools as well, but we did not have any of that in the other school. Our subject range is mostly academic. I would say it was more limited than in a public school.

**Mr. Allen:** I am wondering how overcrowded Paul Dwyer is. Have you overflowed your one main building? Do you have portables? Do you have a real space problem there?

**Ms. Vrebosch:** Yes. We have four portables there, and they are planning on putting in six more for next year. My home room is in a portable this year.

As I said, we ran out of locker space this year. Our grade 13 students did not have lockers until early November. Even those were half-lockers, so they had to share with other students in the school until then.

**Mr. Allen:** You were going to say something else.

**Mr. Longbotham:** On that space problem at Denis O'Connor, even with the brand-new school, we started with four portables. At the beginning of this year, we had something like 16 portables, because we have 1,000 students and the school is built for only 500 or so.

**Mr. Allen:** Already?

**Mr. Longbotham:** Yes, 750, I think, or something like that, and there are 1,000.

**Mr. Allen:** Do you expect your schools to change significantly with full funding? What are your expectations in that regard?

**Mr. Wrubel:** I do not expect them to change that much. I can see a greater number of students coming in grades 9 and 10. I can see it this year because, with the expectation of funding, there is a larger number in grades 9 and 10.

It will open up an opportunity to those people who, because of financial situations, could not have come. Now that we are opening the doors, I think there will be a lot more people at our school.

**Mr. Longbotham:** Also, they used to leave school at grade 11 because the tuition fee would kick in and they would have to pay it. Now they will be staying, which will cause more overcrowding.

**7:50 p.m.**

**Mr. Allen:** Knowing your Catholic friends and the community and so on, do you anticipate there being virtually 100 per cent movement of young people who are in public schools now, at any level, to the separate school system? What are they talking about? What are they saying in the midst of this debate about funding and where they are going to go next year? What sense are you getting of all that?

**Ms. Vrebosch:** I do not think it is going to be a 100 per cent transfer, possibly due to the fact that a lot of the students would have to travel a long way to get to a Catholic high school. However, a lot more would consider it.

Previously, people would not go to the Catholic high schools in grades 9 and 10 because a lot of them could not afford the tuition in grades 11, 12 and 13 and because of going to the school and making a lot of friends and having to switch schools after. I think now the enrolment is increasing in grades 9 and 10.

**Mr. Allen:** Are there non-Catholic students at either of your schools at this time?

**Mr. Wrubel:** Yes. In the bus on the way here, one of our religious teachers was saying he had taught about 70 non-Catholic students in grades 9 and 10 this year.

**Mr. Allen:** Are they among your friends? How does that work out? Do you sense they have any problem in being in a Catholic school?

**Mr. Longbotham:** I have never come across any prejudice in the school towards another child.

**Ms. Hadden:** Everything is fully integrated and one person would not know from another who was Catholic and who was not, because everyone fully participates in all aspects of the school. I could not go down the hall and say, "Oh, yes, he is Catholic; no, she is not Catholic."

**Mr. Allen:** Do I correctly surmise that none of the non-Catholics who has registered has asked for exemption from religious instruction or religious practices in the school?

**Ms. Hadden:** Not that I would be aware of, or anything like that.

**Mr. Allen:** Have any of you shared a religious instruction class with non-Catholics?

**Mr. Longbotham:** It is hard to tell with the kids who is Catholic or non-Catholic.

**Mr. Allen:** That is a very revealing answer. We will ask your teacher about that if he comes forward a little later.

I could pursue some of those questions and some of their implications, but I am sure other members of the committee would like to ask a few questions.

**Mr. Offer:** Thank you very much, that was a very nice presentation. Unfortunately, my first question was on whether you were aware of any non-Catholics in your school. You have already answered that. You indicate you are not aware of any non-Catholic students in your school.

This bill might permit non-Catholics to attend your school and be exempt from religious study. From your experience in the Catholic school, how would that affect the catholicity of your school?

**Mr. Longbotham:** If a non-Catholic student does not want to take religion, he should not go to a Catholic high school because that is part of the deal in going to a Catholic high school. If you are in a region with three or four public high schools, what is the use of going to a Catholic high school? I understand if you are somewhere very remote and a Catholic high school is the only place you can go, you have no choice, but I do not see any other reason.

**Mr. Offer:** If, on the basis of distance, for instance, a non-Catholic student attended your school and was exempted from religious education, do you think that would lead to any problems in your school?

**Mr. Longbotham:** What do you mean by problems in the school?

**Mr. Offer:** With respect to affecting what your four presentations talked about, the spirit within the school.

**Mr. Longbotham:** It depends on numbers. If you end up with 90 per cent non-Catholics in your school and everybody is exempt, the Catholic spirit will not be there. There has to be a majority of Catholics in the school.

**Mr. Ward:** The question, as I understood it, was whether the enrolment of non-Catholic students at your school would affect the catholicity of your school. I think your response was that you could not see any reason a non-Catholic

would choose to go to a Catholic school. If I could get back to the specifics, you have already indicated that in your school there were 60 or 70 non-Catholics.

**Mr. Longbotham:** That is not our school

**Mr. Ward:** I am sorry. Would you feel that situation would impact on the catholicity of your school?

**Mr. Longbotham:** It depends on the numbers. If we have 800 Catholics versus 70 non-Catholics, I do not think it would cause much of a problem.

**Mr. Timbrell:** On the same question, with respect to religious instruction, do non-Catholics in either of the schools have the right to ask to be exempted from religious instruction?

**Ms. Vrebosch:** I am not aware of any asking to be exempted and I would not be qualified to say whether they have the right to be. I think they would be missing out—no, not really, because it is not their religion.

Getting back to your question about it having an impact on the school, part of the feeling comes from the fact we all share in these things together. We go on retreats and people get so close to each other. It is not all religious. We do a lot of things together and get really close to each other. Part of the feeling is that we are so close to each other. If you did not participate, you would not feel the same way about the school as we do.

**Mr. Ward:** Do those 60 or 70 participate in the retreats?

**Ms. Vrebosch:** To tell the truth, I was not even aware we had 60 or 70 students who were non-Catholics.

**Mr. Timbrell:** What about at DO'C, as you call it?

**Mr. Longbotham:** I am not aware of anything like that. I have not heard of anybody asking to be exempted.

**Ms. Hadden:** I noticed in the other three presentations, and what I was trying to get across in mine, was the idea of community, that everyone participates in everything fully. If you had something that was optional, that would detract from the feeling we all get from being together. That would detract from that kind of system and environment.

**Mr. Timbrell:** Would you agree that as long as the numbers are not overwhelming, it will not threaten the catholicity of your school?

**Ms. Hadden:** No; I would not say the numbers would affect it at all. If even one person came, at least that person would not be involved in the

community at all. I do not think so, if they did not participate. We want a community for everyone. Whether one person would be by himself or 30 people would be by themselves, the Catholic school is a community to foster Catholic attitudes.

**Ms. Vrebosch:** I just remembered one student from our school who is not Catholic but who did participate voluntarily in the retreat we had in February. None of the students had to go, but she did go and I think she really enjoyed it.

**The Vice-Chairman:** Mr. Offer, have you completed your questions?

**Mr. Offer:** Yes.

**The Vice-Chairman:** You sparked a number of others. Mr. Timbrell, do you have other questions?

**Mr. Timbrell:** Yes. Are there any non-Catholic teachers in either of your schools?

**Mr. Longbotham:** Yes.

**Mr. Timbrell:** Teaching what subjects?

**Mr. Longbotham:** Biology.

**Mr. Timbrell:** There is only one non-Catholic teacher you are aware of.

**Mr. Longbotham:** Yes.

**Mr. Wrubel:** None that I am aware of.

8 p.m.

**Mr. Timbrell:** Paula, on the second page of your presentation you referred to "the constitutional guarantee that created the separate school system in the first place." What is your understanding of that guarantee?

**Ms. Hadden:** From ancient history—not ancient; I am talking about Confederation and those kind of guarantees.

**Mr. Timbrell:** What have you been taught to understand about that guarantee?

**Ms. Hadden:** I understand that around Confederation, when Quebec wanted to join, one of its major concerns was whether Catholic education was going to be provided. That was agreed upon as a principle, and through the years, as I understand it, it got a bit sticky as to what was provided and what was not. There was some kind of time barrier and that is how it came to be up to grade 10. The high school was not established in that way when it was created.

**Mr. Timbrell:** Is it your understanding that the effect of the Constitution of 1867 and of 1981-82 is applicable to everything from kindergarten to grade 13 in exactly the same way?

**Ms. Hadden:** I do not understand what you are saying.

**Mr. Timbrell:** Is it your understanding that the way the constitutional guarantee has been applied up to grade 10 until now is exactly the way it must apply to grades 11, 12 and 13 after this legislation comes into effect?

**Ms. Hadden:** I am not fully aware of the constitutional technicalities of all the things, but if you are saying that the students in Catholic elementary schools are only Catholic, then yes, I personally think that should be continued; or that teachers in Catholic elementary and high schools should be only Catholic, that kind of principle.

**Mr. Timbrell:** I see. Eric, in your presentation you talked about the grade 8 orientation. Could any of the four of you tell me whether at the end of grade 8 you had the opportunity to see, receive or hear presentations on the high school programs available to you in both the public and the Roman Catholic high schools in your areas?

**Mr. Longbotham:** Yes, we received presentations. They came to our schools, but DO'C was the only one that brought us to DO'C to see what it was like.

**Mr. Timbrell:** I see.

**Mr. Longbotham:** We met some of the teachers and students.

**Mr. Timbrell:** Were you exposed to all the programs available?

**Mr. Longbotham:** Pretty well, as much as they could fit into one day.

**Mr. Timbrell:** I understand. I took it from your presentation that only O'Connor made a presentation, but the public school board and the other Roman Catholic schools did too.

**Mr. Wrubel:** Yes. R. S. McLaughlin Collegiate is right across the street from Paul Dwyer and they talked to us. Dwyer was the only one to take us to the school. You got a feel for the school and they made you feel you were important, so that made you want to go to Dwyer.

**Mr. Timbrell:** That is understandable. Thank you.

**Mr. Reycraft:** Tracey, you talked about the strong set of values you have formed because of the religious program. Could you identify for us some of the topics or things that were discussed in the programs that helped you to form that set of values?

**Ms. Vrebosch:** In this past year, our religion program has dealt with morality and we have had a lot of discussions. We have been given a lot of case studies and those were followed by class discussions. They dealt with different things about the handicapped and issues that were in the

newspapers at the time, such as Baby Fay, and how we felt about them. They never told us what was right or wrong. It was a matter of what we thought and we listened to other students in the class saying what they felt about it.

What else did we discuss this year?

**Mr. Wrubel:** Abortion.

**Ms. Vrebosch:** We discussed the abortion issue and marriage and commitment.

**Mr. Wrubel:** We also talked about premarital sex, and if you get a girl pregnant whether you should pay for the baby or just run away, whether you have some sort of responsibility for that baby. We talked about a situation like that; real-life situations that you are going to have to make decisions on some time in your life.

**Ms. Vrebosch:** Also about law and stuff, conscience.

**Mr. Reycraft:** The things you have mentioned are not out of the ordinary for physical and health education courses in the public system. Do you feel that because you are able to learn them in the Catholic school system it helps you to form a different set of values than you might had you been in the public system?

**Ms. Vrebosch:** Our values are a product of what we have been brought up with all our lives. I have been brought up in the Catholic school system; both of my parents and my family are Catholic. You learn your values all the way through your life and the people who are around you affect them. Your teachers will affect them. You will often take the people you see, the people you admire, as role models.

Mostly it will come from your parents but I think having a chance to discuss something and tell how you feel about it in the class is very beneficial to students, just being able to voice their own opinions about things.

**Mr. Reycraft:** You mentioned the very controversial subject of abortion. In discussing that issue, did you hear from people, guest speakers or others, who were in favour of broader or more liberal abortion policies?

**Ms. Vrebosch:** We never actually had speakers in for either side, but we did consider the other side of that issue and I would imagine there were students in the class who felt abortion was not wrong and they would voice their opinions. The case studies that were given to us would often show both sides. They would have, for example, two girls saying how they felt about both sides of the issue.

**Mr. Reycraft:** I have another question on a different line and it is for Eric, who talked about

the 30-kilometre DO'C-athon fund-raising. What do you expect will happen to events such as that if tax moneys are made more available to the school?

**Mr. Longbotham:** I hope they will stop. I have walked 150 kilometres thus far.

**Mr. Reycraft:** I am a little surprised at your answer, but given that, what do you think that will do to the atmosphere of togetherness you describe in the school?

**Mr. Longbotham:** The DO'C-athon does bring the school together because it is a common goal, but I am sure some other common goal may be developed through the school spirit that is there. The teachers are very good for that, too.

**Ms. Vrebosch:** We had a walkathon a couple of years ago, but we have not had one recently. As you said, other things will be brought in. We had a dance-athon this year, and it was not to raise money for our school; we raised money for the United Way. There was a United Way drive in the area. We raised the most money of all schools in the Durham region, Catholic and public, even though we were the smallest in the area. It was not per person, it was overall.

**Mr. Reycraft:** Thank you. I would be surprised if the fund-raising went away. In more than 20 years of teaching in a public secondary school, I do not recall a year when we did not have fund-raising activities.

**Ms. Hadden:** I am sure we will find something else.

**8:10 p.m.**

**Mr. Allen:** There are always more causes needing money than you can spend time raising money for, so I do not think you are going to have any trouble with your DO'C-athon.

I want to get back to the biology teachers, partly because it is often considered a sensitive subject area. There has always been a certain degree of tension between issues in religion and science. Science taught in a religious school is sometimes thought to be perhaps hedged a bit one way or another. It is interesting that the comments on that situation passed by so quickly. Would the presence of a non-Catholic teacher teaching biology make any significant difference for you in the subject, in the way it was studied or in the way you perceived it? Would you sense any difference being in his classroom as compared with that of any other teacher, not in terms of idiosyncrasy of personality, but just something that might relate to being Catholic or non-Catholic?

**Mr. Longbotham:** Our teacher of biology accepted our Catholic values. He had his own home room, and he would lead the classes in prayer, even though he has his own religion.

Teaching biology to Catholics, you can take it your own way. I myself can believe in evolution, as long as I believe that God started the whole thing off, because it did not just happen by chance. So as long as you take that into consideration when you are studying a life science or physical science or chemistry or something like that, then you can have it in the Catholic high school, because it will fit.

**Mr. Allen:** Could you imagine yourself having a teacher in your classroom who felt he could not lead you in those religious studies and felt he himself personally could not involve himself in that way, but none the less was a good professional teacher and led you through your subject matter in a very acceptable way? Would that make a difference to you and how much? What kind of impact could that have on your studies in that classroom?

**Mr. Longbotham:** If the teacher shares in the same religion and everything, you feel a closer bond to him, more than if he were just standing up in front of the class and lecturing all day. You feel as if you are closer to him. I think if a non-Catholic and also a person who would not respect the Catholic religion were teaching a subject, you could have a bad role model for the students, a bad example.

**Mr. Allen:** I suppose respecting it would be one thing and opposing it would be another.

**Mr. Longbotham:** Yes, right.

**Mr. Allen:** You have a lot of variations down that road, I suspect. I was just interested to hear your response to that situation. Obviously, it is one we are confronting in the bill with the transfer of teachers. I just wondered how you felt that would impact in your own classroom.

**Ms. Hadden:** If I can just add to that, I had a really good relationship with our biology teacher. He is one of the best teachers we have at our school. A lot of that had to do with the fact he did participate as fully as he was capable of doing in all our activities. I think it was very important, especially in the biology that he was teaching us, that he had the same respect for life as we do, the same ideas and concepts as far as major ideas like that are concerned. That was very important. He was also very involved in the school in social ways. He headed one of our clubs, Amnesty International, that deals with prisoners of conscience in other areas. He was very involved in

that and headed that. He was a very important part of our lives at school.

**The Vice-Chairman:** Thank you very much. You could certainly give lessons to the cabinet during question period. You gave very direct answers and very good answers.

We will now have a presentation from teachers from the two schools. I do not know who the main spokesperson is. Could you introduce yourself and your colleagues? I gather there were discussions ahead of time. There are six of you and six briefs. Could you summarize your position so we will have time to discuss issues with you?

**Mr. Fitzsimmons:** That is exactly our intention.

My name is Tom Fitzsimmons. I am the vice-principal of Denis O'Connor High School in Ajax. We decided that I will introduce our brief and then we will introduce the individual members as we go along. We will introduce each other as we move down the line.

I would like to start by saying I had not seen the students' brief until earlier today. I am very pleased to see how similar the briefs are. I think we accomplished a lot of what we set out to accomplish with these kids when they came into our school in grade 9.

Our committee of six teachers, three from Paul Dwyer Catholic High School in Oshawa and three from Denis O'Connor High School in Ajax, represent the two high schools in our region. We want to tell you something about what it has been like from our experience to operate without full funding and how much we appreciate the prospect of full funding.

If I may, I would like to start with a statement of our philosophy as six Catholic teachers.

A Catholic school is basically a faith community of students and teachers with their support staff. Our purpose as teachers is to help present the spiritual aspect of the students' growth and education. We not only teach our academic subjects, we also, through attitude and example, help the students and their colleagues to encounter Christ in our daily lives as well as in the study of the gospel and in the teaching tradition and sacramental life of the church.

As members of a Catholic school, teachers have the obligation to accept and support the individual spiritual growth of other members of this community and the right to the same support for themselves. As teachers in Ontario, we are governed by the same regulations and curriculum guidelines from the Ministry of Education as

teachers in the public high schools. However, we teach from a unique perspective.

Our goal is the conscious creation of a Christian community in our schools within which all learning and teaching takes place. Our prime educational objective is to form men and women for others, men and women who will live not for themselves but for God and his Christ. Our task is to help the student develop a critical and analytical conscience that will enable the student to examine and interpret the problems and shortcomings of our world and to seek solutions based on gospel values.

I would like to introduce the next member of our committee, R. Garry Booth, who is a teacher at Paul Dwyer Catholic High School in Oshawa.

**Mr. Booth:** I was going to read all this, but I know you would like us just to talk about it a little.

I started out with the development of a solid foundation of values for a young person or any person to fall back on when things do not go the way they should. I feel a school in which these values are one of the prime motivations for learning is where I want to teach. I think the Catholic school sees the education of the whole person as its prime responsibility.

**8:20 p.m.**

A wise person once said that the Catholic school involves the learning or acquisition of four Rs: reading, writing, arithmetic and religion. To my mind, the teaching of religion involves the development of five basic concepts as well as our Catholic faith. These concepts are faith, trust, loyalty, respect and responsibility, concepts which form the basis for the development of the whole person.

While providing the students with the opportunities to develop these personal qualities, the Catholic school system also encourages them to take these same qualities and abilities out into the broader community of which they are a part.

The extension of funding, which will in part assist in the acquisition of many of the physical necessities we have had to do without, will allow the members of our school community to devote more of their energies towards the continuing development of the youth of the province.

I would like to introduce Bill Fox, a member of the staff at Paul Dwyer.

**Mr. Fox:** I will start off by saying—I am sure some of you gentlemen around the table can relate to this—I was misquoted this evening. Ray mentioned that 70 students were non-Catholic in the school, but I mentioned to him there were about 17 students that I was aware of.

I would also like to say that this year I would like the students to sit in on salary negotiations for our board.

To highlight a few things, I feel very strongly that having a course in the Catholic religion does not in itself make a school Catholic. As I see it, it is much more than this. As a staff we try to share and promote our Christian values through teaching, but also through extracurricular activities, day-to-day encounters with our students and, I hope, through example.

Promoting Catholic values and beliefs is what the separate system is all about. Yet there are problems in working for a somewhat incomplete school system. I have been saddened by losing students from our school who can no longer afford the tuition previously required beyond grade 10. This year, when a lot of my students did not get their assignments done, I took a little poll and I found that about 75 per cent of the students I was teaching in grade 12 had part-time jobs during evenings and weekends. Many of these students, I believe, had to have this money in order to contribute to their tuition.

It has been my experience with non-Catholic students that there is a desire on the parents' behalf to have Catholic values and beliefs shared with the student. To date, I have had no difficulty with any non-Catholic students taking my religion classes, yet I fear we must ensure that we do not water down or compromise our system, which I believe has a certain appeal to some non-Catholic participants.

I have only been at Paul Dwyer for a short time, but I do not think I have ever met a finer group of students or staff members. I am very pleased that all three political parties have decided to complete our system so it will be less difficult to continue with our goals and aspirations.

I would like to introduce the music specialist at our school, Ben Pankhurst.

**Mr. Pankhurst:** I have taught at Paul Dwyer Catholic High School for nine years and I have tried to summarize some of the main points of experience that have made me stay at that school and want to continue teaching there.

Teachers in Catholic high schools are people who have seized an opportunity to pursue their chosen careers. The following list of points will help to describe the experiences of both Catholic and non-Catholic people teaching in separate high schools.

1. The teacher in a Catholic high school can allow a spiritual side to his discipline. For example, in my own subject, music, I can

include the importance of sacred music to the history of western musical thought in balance with the secular. As our school schedules periodic religious assemblies, the performing of sacred music literature then becomes yet another opportunity for the student musicians to apply their skills in a real-life situation, that being a mass or religious event.

2. Teachers in Catholic high schools have always had to teach according to the Ministry of Education guidelines and they have developed confidence in their skills and courses because of the annual ministry inspection each Catholic high school has had to undergo.

3. These dedicated teachers have had to cope with the ongoing insecurity that their school was under abnormal financial pressures which were threatening its continuance. Furthermore, these pressures, combined with the rapid growth in student numbers, have meant greatly increased work loads recently to the extent that some teachers' personal health could be jeopardized unavoidably in a future without funding.

4. Teachers in Catholic high schools have enjoyed, however, working in a disciplined environment conducive to good education and sound work ethics. For example, our students dress in school uniforms or according to a designated code. This helps to set a tone in the Catholic high school appropriate to the serious business of modern education.

Because we are trying to cut down on our time, I will skip point 5. You can read it; it has been mentioned already.

6. Finally, the announcement of the extension has given teachers in the Catholic high schools the confidence that their system and its traditions will be preserved through legislation that will expand the meaning of freedom in Ontario.

Thank you for hearing my brief. I would like to introduce Ric Arbour, music teacher at Denis O'Connor High School.

**Mr. Arbour:** I would like to present some problems I have encountered in establishing a music program at Denis O'Connor High School. They are not different in character from those encountered in teaching music in any Catholic high school and are similar to the frustrations of other disciplines such as physical education and visual arts.

I came to Denis O'Connor 12 years ago to establish a choral and instrumental program without an extensive beginning budget. Parents were asked to rent instruments for their sons and daughters. When they did not pick up the options at the end of the year the school was able to buy

instruments with its small budget, concert money and donations from the private high school board over a period of eight years. We are now independent and expanding the program. Parents still pay an annual fee to cover maintenance and repairs to the instruments.

It says here, "I wrote all the choral arrangements." I still do. It saves the school about \$600 or \$700. It involves about 300 hours of my time each year, which I am quite willing to give even though it is outside my marking and planning time.

Before the new facility, I taught for 11 years in a portable. The piano there I gave to the school. Some of my instruments are still on permanent loan to the school.

We have always had to settle for second-best in our instruments, which need more frequent overhaul than the more expensive ones. The risers I bought for my performing choir were 10 years old when I got them and were homemade. Our lighting pieces are third- and fourth-hand, some of them 60 years old. In spite of all this and the lack of an instrumental program at the elementary school level, our students leave our music courses as capable, independent musicians.

Regarding teaching load, I have always taught seven out of eight periods except for one year out of the 12. My spares have never been spare. I was on call for teachers for whom we could not obtain a supply or who were absent on school business such as conferences or tournaments. The frustrations and obstacles could never have been overcome without the support of an excellent staff, the students and their parents. I hope the extension of funding will pave the way to more sophisticated and extensive learning without jeopardizing the spirit which, in spite of our difficulties, did the job.

I would like to introduce one of the younger members of our staff and our resident golf pro, Ms. Jane Flynn.

**Ms. Flynn:** Hardly, if you had seen me on the course today.

I have been teaching in the separate school system for only one year, but during this year my experiences have been profound in many respects. To be a part of the faith community which strives to impart the teachings of the gospel through day-to-day interactions with students is a privilege and a joy. In the past year I have been involved with the students in a spiritual dimension through retreats, sharing the Eucharist and weekly staff-student prayer. These interactions

are not a part of my job description as an educator but they are a part of my job as a Catholic teacher.

I would like to isolate one of these tasks—I call it a task but it was more like fun for me—and in doing so describe to you how the sense of community at Denis O'Connor High School rose to negate the unpleasant aspect of the experience of last fall.

Because we are a Catholic high school, we are always looking for ways to raise money. When we were told in September 1984 that we could raise at least \$5,000 by selling papal booklets at Downsview, 70 students—Ms. Hadden was one of them—and five of the staff headed for the airport on that Friday. If you remember, it was muddy, raining and wet. We were cold, frustrated and uncomfortable, but misery was far from our minds when we gathered for a group mass on Saturday. We prayed together as a community and were both awestruck and proud to be representing our school at such a significant event.

We never complained about or regretted the night spent under a canopy—we called this particular area the swamp because that is what it was like—with tables as beds and milk crates as pillows. We came away highly enthusiastic and full of many tales.

We were drawn together to take part in the adventure because of our catholicity. We went as students and teachers to celebrate our faith. It is this catholicity of the school which makes the staff and student body a community of believers. It is the focal point of all our school activities, an aspect of our school which must be maintained.

### 8:30 p.m.

I feel I have to add this footnote. We came away from Downsview with only \$60 in our pocket. The fund-raising aspect of the trip was just a bust. Somehow that did not seem to matter to any of us. What we gained from that experience, or what Denis O'Connor High School gained, was much more than money could ever buy. That is why our school is different and why our mission as a Catholic school must be maintained.

I would like to reintroduce Mr. Tom Fitzsimmons to close for us.

**Mr. Fitzsimmons:** I would like to add a few comments from my own personal experience before I conclude the brief formally.

I came to Denis O'Connor High School 18 years ago when it was a school of 141 students and eight teachers. Starting in September this year, we will have more than 950 students and 55 teachers in a building that was completed last

September and we will open this September with 16 portables.

For each of the first six or seven years I was teaching at the school, the principal held an annual staff meeting in the spring to notify the staff that the school might not remain open the next year and to recommend to each of us that we have a personal contingency plan.

Eric alluded earlier to fund-raising. The students were not the only ones who raised funds. I have become an excellent fund-raiser. I have sold chocolate bars and hockey lottery tickets. I have walked twice as many kilometres in our walkathons as Eric has and he is graduating and I am not. The funds we raised in our fund-raising were not for frills or special programs. They were for the daily operating expenses of the school, to keep the lights on and keep the building warm and so on.

I appreciate the support and encouragement I receive personally as a member of this faith community. One point I did not put in the brief that occurred to me since it was typed is that in my role at our school I have enjoyed tremendous co-operation for years with the teachers in the Durham Board of Education. I have found them tremendously generous. There has been a great spirit of co-operation which I have experienced personally.

I would like to conclude by saying that after 18 years I am still at Denis O'Connor High School because this school community has shaped my life and given it meaning. That concludes my personal remarks.

To summarize on behalf of the whole committee, the full funding of Catholic high schools will mean that all students who want to attend a Catholic high school can do so. We as teachers are relieved of the insecurity that our schools might be closed. We are delighted at the prospect of improved facilities and resources.

In his statement to the Legislature on Thursday, July 4, 1985, the Minister of Education (Mr. Conway) cited six principles which provide the basis for Bill 30. The fifth principle is "that the distinctive mission of the Roman Catholic separate school system must be maintained." This is the most critical point for us. We teachers are committed to that distinctive mission and we ask that you ensure that the enactment of Bill 30 in its final form will make it possible for us to fulfil this mission.

**The Vice-Chairman:** Thank you very much. You might have wondered why at the beginning I asked you to summarize. As a member of the Legislature who is not a teacher—and there are a

lot of teachers—I am used to teachers speaking in 50-minute blocks. With six of you at 50-minute blocks, we would be here on the second presentation until about 11 o'clock at night. You did well. I have Mr. Timbrell, a teacher, on the list.

**Mr. Timbrell:** I tend to be briefer. I have been out of the profession long enough.

Your summary and something that happened before your presentation lead me to the one question I want to ask. You were talking about the distinctive mission of the Roman Catholic separate school system. Mr. Fox was kind enough to come up to me before the proceedings began this evening and to reintroduce himself to me. We went to teachers' college together nearly 20 years ago.

As I listened to your presentations, and they have been excellent, I was reminded of a number of other presentations we have had where people have expressed concern that people who are in the faculties of education today look to their future job prospects with a diminishing school population, quite unlike what we faced in the mid-1960s when we were looking for jobs.

Those who are Catholic, and I am paraphrasing now the presentations that have been made to us, have the opportunity to seek employment in either of the two publicly funded systems. Those who are not Catholic, depending on the provisions of this bill, may be restricted to only one of the two publicly funded systems. Bearing in mind your intention and ours to maintain the catholicity and ethos—it is called many things—of your system, what difference do you think it will make to the future of your system of education if the bill provides for greater opportunities, in whatever degree, for non-Catholic teachers to be employed by and to work in your system?

**Mr. Pankhurst:** We have always had non-Catholic teachers in our school. The students are not always aware of it. When you asked a student previously, the student did not know whether we had non-Catholics in the school. We have always had them in our school, at least about 10 per cent. They have had a lot to offer, especially when we get to talking about religion.

By and large, most people in the teaching profession are conscientious people who are not out to be destructive. They are positive people who help to build. If they are teaching in one system or another, they are there because they have some respect for it and can work within the confines of that system.

**Mr. Fitzsimmons:** At our school we have a very clear sense and a clearly stated philosophy

of what we intend to accomplish. When we interview prospective teachers for our school, we make it very clear what is involved in joining our staff. In fact, we have had some Catholics who have applied at our school and in the course of the interview have said: "That is not the type of situation I choose to be involved in. That is not the kind of commitment I am looking for."

All our teachers are expected to participate in the religion program. All our teachers are expected to participate in the retreat program of the school. Our students go away on retreat. Every student in the school makes a retreat every year and all the teachers are expected to participate in that. It involves evenings and some weekends and that sort of thing. Some people just say, "Thank you very much, but that is more than I am looking for."

**Mr. Timbrell:** When you say all teachers are expected to participate in the religious program of the school, what would you say to a non-Catholic coming on to your faculty who, as a result of Bill 30, has been bumped from the Durham public system? Would they be expected to espouse Catholic principles, or would you be satisfied that they be of good character—I am thinking of section 235 of the Education Act—and at the very least not undermine the mission of your school and the beliefs and principles of your system and your church?

**Mr. Fitzsimmons:** My approach with such an individual, and we have hired another non-Catholic for next year, would be much more positive than that. We have used the word "community" in several of the presentations, those from the students as well. When someone comes on to our staff, I feel there is a commitment to that kind of community in our school. As a member of that community, it is my responsibility to welcome whoever comes on to our staff into full participation in all aspects of the school.

I feel I have a responsibility to invite them to join with me and the rest of the teachers in participating in the full life of the school. It is not a question of trying to legislate it or ram it down somebody's throat. I have a responsibility and it is significant and meaningful to me. As a member of the community, I have a responsibility to invite them to participate fully.

**8:40 p.m.**

**Mr. Timbrell:** Yesterday we had representatives of the Ontario Catholic Secondary School Principals' Association here, one each from Hamilton, London and Windsor. I asked them similar questions, one of which broached the

question of at what point the numbers or presence of non-Catholic teachers would threaten the catholicity of the school. As I recall, they found it difficult to define a point at which the presence of non-Catholic teachers would threaten the stability of the program. Would anyone care to offer any advice on that?

**Mr. Arbour:** I used to play fastball and at the beginning of the year the coach would give us a pep talk. He would say: "This is what I want for the team. This is how we are going to accomplish it. Put up or get out."

If someone wanted to come on staff who would respect our program and our beliefs and not undermine them and be willing to participate fully in the life of the school, why not?

**Mr. Pankhurst:** You might find there is a difference in tonality from Catholic high school to Catholic high school. I know it applies to the non-Catholic teachers we have on our staff. They are very happy to perform functions that are still necessary to the life of the school and are not necessarily directly connected to a religious celebration they may have personal feelings about if they belong to another religion. Not that they would be undermining, but our people help out greatly in supervising the building during religious assembly, making sure about the physical plant and that students are not leaving the school when they should not be and so forth.

There is a role to play for people who may not feel right about participating in a religious assembly. Naturally, we would have to have someone supervising the physical body of the school, be he Catholic or non-Catholic. That is just an example of how people can play a role in this situation.

**Mr. Offer:** Mr. Fitzsimmons was talking about the positive invitation to participate in the full school community. Does that include the invitation to join in staff prayer and retreat?

**Mr. Fitzsimmons:** Absolutely. You used the correct word, too. It is an invitation to do so.

**Mr. Offer:** If the particular teacher refuses, it is not a matter of being negative, but rather that he had to decline the invitation?

**Mr. Fitzsimmons:** Can you ask that again, please?

**Mr. Offer:** When you extend that invitation, in the event the non-Catholic teacher refuses, would you be viewing that in the positive aspect of his declining your invitation as opposed to your not inviting?

**Mr. Fitzsimmons:** I would like to go back again. When we have a religious celebration in

our particular school, when we have a school mass in the gymnasium, everyone is expected to be there. It is made clear at the outset that 100 per cent, all the staff and all the students, are expected to be there. That is not a question of invitation. What I am saying is, in the context, when we are there, it is incumbent on us to make all the individuals feel comfortable in that situation and to invite them to participate to the extent they are comfortable in doing so.

I do not know where the legislation is going to take us, how that will come down, but that was not part of our mandate in preparing our brief. We wanted to speak to you from the heart, from where we are in our day-to-day experience in our school.

**Mr. Offer:** I want to extend this a bit. In the case of a non-Catholic teacher in your school who perhaps is not participating in the religious life of the school or the religious services, realistically what are the possibilities of that staff member getting a promotion to a position of responsibility in your school?

**Mr. Fitzsimmons:** I can comment factually. This coming September we are going to have department heads formally appointed by the separate school board. In the history of our school, over the last 15 years, heads of department were appointed by the private school part of Denis O'Connor High School and served that function. Four of those were non-Catholics. Two have now left the school. They sought other opportunities.

**Mr. Offer:** At one point you had four department heads who were non-Catholic?

**Mr. Fitzsimmons:** Yes.

**Mr. Timbrell:** Do you foresee any difficulty under the provisions of this legislation of a non-Catholic one day replacing you as vice-principal of Denis O'Connor or becoming principal, superintendent or director of education on your board?

**Mr. Fitzsimmons:** I do not want to monopolize this, if anyone else wants to take it on.

**Mr. Fox:** A large part of this depends on the person. I think the personality of the person is important. If he can lead people in Judeo-Christian values and merits the position, then I feel the person should be given the opportunity. In Paul Dwyer Catholic High School in Oshawa, we have two department heads who are non-Catholic.

**Mr. Timbrell:** The fact that they are not Roman Catholic in your view would not make it

difficult or impossible, depending on their personal and academic teaching qualifications.

My last question has to do with creed. The bill provides that designated teachers shall not be discriminated against on the basis of creed. We have had a lot of discussion around here about what "creed" means. Various people have offered to assist with their own definitions.

Perhaps, Mr. Fitzsimmons, inasmuch as you are the only one of the six who is a supervisory officer, you would like to volunteer your understanding of what that section of the bill means. What responsibilities will that put on you and all other supervisory officers within the separate secondary school system with respect to those designated teachers?

**Mr. Fitzsimmons:** I have the quote from yesterday's proceedings. Bill 30 says that teachers cannot be discriminated against on the basis of creed. I am not sure what the intent of the legislators is in that.

**Mr. Timbrell:** Would it help you—

**Mr. Fitzsimmons:** That we will hire non-Catholics?

**Mr. Timbrell:** I suppose. This is what we are trying to get at. More than that, right from the first day when we first discussed it, we asked questions of the minister and of his officials as to whether creed also included matters of lifestyle, marital status, sexual preference, whatever, of the designated teachers who will be coming to you from the public system.

We want to be sure as a committee that it is a fairly broad definition and, speaking for myself, that section 235 of the Education Act will be the only basis on which these designees will be judged.

8:50 p.m.

**Mr. Fitzsimmons:** I find it difficult to respond to the question because our committee did not address that part of the bill. We were asked to come and share with you our experiences in the school. I have not studied that part of it. As teaching staff, we will not be called upon to make those kinds of decisions; that would come in the formulation of our board policy.

**Mr. Timbrell:** Perhaps in the course of our deliberations we need to attempt to get a better definition of "creed" in the legislation.

**Mr. Fitzsimmons:** I am having the same difficulty with the concept of creed as everyone else.

**Mr. Allen:** I suspect the problem is not simply definition of a word, although that may be a problem. When we have been involved in these

discussions with various groups that have come before us, it has been fairly clear that we have tried to use the word "creed" with at least the large dimension that was the intention of the drafters of the legislation. It conveys quality of life and lifestyle; it grows out of religious belief and commitment.

We are running into a bit of a roadblock right now, if I can describe it as such, between yourself and Mr. Timbrell, if I may be permitted to interpret the situation. You have come to try to tell us how you function. That is a very honest and important thing for you to do, and I am delighted you have been able to do that so well and so fully.

What we are all moving into, presumably, is a 10-year period in which the completion of the funding for the separate system is going to impact heavily on the public school system, and there are teachers with careers there who have to be accommodated, who did not know this was going to happen to them in the course of their lifetime and who now are our responsibility.

As a result of making accommodation for them and their movement across the systems, there has to be space and room for accommodation and some security given for non-Catholic teachers who are forced out of the public system and go on designated lists. In one sense that is especially helped because you are an expanding system. These teachers are therefore open to be hired by your boards. You as a principal are likely to find yourself with this problem, or may well do so in the very near future, of having a teacher come with assurances that, while he is expected to perform professionally and in terms of the requirements of the Education Act, you may not be permitted to involve him in specific religious observances or to expect that he will adopt all of the lifestyle commitments that Catholics make.

That is where the legislation is at and what it is trying to do. We are trying to find something out from you, and we have a pretty half-decent partial answer. For example, you described the many functions played around any given event that people can relate to. What we are trying to find out is how you envisage yourself functioning with a few extra teachers like the other non-Catholic teachers you have had around, but who have had a certain commitment made to them by the province that they will not be required to adopt all that full commitment that goes with being Catholic when they function inside a Catholic school, which tries to be a faith community, tries to do the things you are trying to do.

I do not want to ask a question, particularly, but I think it is important to understand why I think you sense there is some problem with the questions Mr. Timbrell is asking and why Mr. Timbrell is having a problem getting an answer from you.

Does that help the problem?

**Mr. Fitzsimmons:** Sure. Thank you for stepping in and addressing that roadblock. In my experience in our school we have not had to address that question. In some schools they make exceptions, apparently, for students and for teachers.

If the legislation says these people must be given that sort of opportunity, that kind of protection, if that is the way it comes out in its final form, then we will have to address that question and how we are going to accommodate it. If those are the terms of the deal we get, that full funding puts this onus on us, then we will have to respond. I hope we do so in a generous spirit, which I think we have tried to do so far, since June 12 last year, as we have been examining what this means for our schools in the long run.

Have I answered your question?

**Mr. Allen:** Mr. Offer was trying to ask you a question about what hospitality you would offer in these circumstances as a faith community and how you would accommodate those things. That is really all we can ask you to think about right now.

The only other question I have arises from your first remark that you were so delighted the students all said the right things. They agreed with what you had said—

**Mr. Fitzsimmons:** I did not say it quite that way.

**Mr. Allen:** There was a harmony between your two presentations. The thought teased my mind about whether, in your school, you would have accomplished less if they, on a mature and thoughtful basis, had ended up disagreeing with you on important points.

**Mr. Fitzsimmons:** I expect they do disagree with us on important points.

**Mr. Allen:** They just did not tell you about it.

**Mr. Offer:** I have one quick question about something Mr. Pankhurst brought up. With respect to the disciplined environment of your school, you brought up the example of a designated dress code. Under the bill there is the possibility of non-Catholic students attending separate schools and being exempted from

religious studies. Would you take it they would also be exempt from the dress code?

**Mr. Pankhurst:** By no means. All schools have dress codes now. We have always had one. It has been one of the flagships of our system that we have always had that code. Most schools now are being asked to submit codes for discipline and dress. Each school designs it in its own way but we have always had it. I see it as a positive thing.

**Mr. Ward:** I want to follow up with some specific information on some of the things the students raised. Mr. Fitzsimmons, do you have any non-Catholic students at O'Connor?

**Mr. Fitzsimmons:** We do, but I do not know who they are.

**Mr. Ward:** Do you know how many?

**Mr. Fitzsimmons:** I would say five or six but I may be away off. I am not sure. I did not dig that out before coming tonight.

**Mr. Ward:** Do you have any non-Catholic teachers?

**Mr. Fitzsimmons:** We have the one Paula referred to, the biology teacher.

**Mr. Ward:** And at Dwyer?

**Mr. Fox:** I estimate about 25 students are non-Catholic, but I am not positive.

**Mr. Ward:** And teachers?

**Mr. Fox:** There are five teachers who are non-Catholic.

**Mr. Ward:** Are the non-Catholic students exempted from your religious classes or do they participate?

**Mr. Fox:** I believe they participate very well. As I was saying in the bus on the way over, it might be more interesting to invite the committee to come to the school to see what happens. When they hear "religious education," I think a lot of people have a different view of what exactly is being taught. It is not being pushed down anybody's throats. We are trying to teach Judaeo-Christian values, although out of a Catholic tradition.

9 p.m.

In my few encounters with parents of non-Catholic students, I find they are behind what we are trying to do in the school. They want their children to be brought up not necessarily as Catholics but as Christians.

**Mr. Ward:** The suggestion that committee members attend the school is probably a valid one, if we could ever do it incognito.

**Mr. Fox:** You would have to wear a uniform; that would be the only problem.

**Mr. Ward:** A point was made either by Tracey or Paula, and I think it was alluded to by Ms. Flynn, that Catholic teaching permeates all aspects of school life. Someone referred to faith, trust, loyalty, respect and responsibility. I do not think any of those five aspects is necessarily alien to the public system. None the less, some of the students alluded to the fact that faith permeated all the teaching, beyond subjects such as guidance—and I believe Ms. Flynn is a guidance teacher as well as a physical education teacher—and the specifics of religious education classes.

Do Catholic teachings permeate all other subjects? Is there any discernible difference between how those subjects are taught in a separate school compared to a public school?

**Ms. Flynn:** Because of lack of experience and because I do not teach academic subjects, perhaps I am not the right person to say anything, but as far as physical education goes, when we are speaking about controversial points or subjects, the students are made aware of the Catholic church's position. My job as a Catholic teacher is to present that position to the students and that is what I do. That is how the Catholic element enters into the subject area.

As far as my role as a guidance counsellor is concerned, I have students coming to me as well as going to the chaplain on the staff to speak about things that are bothering them in their spiritual life. I can speak to their problems as far as my own experience is concerned and as far as my background goes and that is how the Catholic element arises in that area.

Somebody else may be able to comment from his experience.

**Mr. Arbour:** I teach music. I tend to teach towards the modern end of the scale, although I teach some of the history, so I encounter quite a bit of rock music in my program. Some of the morality of modern rock borders on the violent, especially in the areas of sex and freedom.

I have a responsibility as a Catholic to let the kids know what the Catholic position is, not to shove it down their throats, but simply to say, "This is what the church teaches and this is why," or to look at the other side of the coin and say, "There is a lot of good music out there, but there is the violent aspect of music, especially in the sexual aspect or in the freedom aspect where nothing is important except 'me.'"

It is important to let them know what they are actually saying, how they are actually—I will put it this way—trying to be God. That comes up in my teaching. Because it is my responsibility, I

share it with the kids. I do not insist they parrot it back to me; it is never examined.

**Mr. Fitzsimmons:** I would like to respond. My academic background is mathematics, but I know the history and English programs in our school reflect very much the fact that these courses are being offered in a Catholic school. I was not very good in history or English so I cannot articulate very well how they are doing it and I do not have a copy of the course curriculum with me. I wish we had one of our English or history teachers here to explain it to you better than I can, but it is absolutely there, particularly in history and English.

**Mr. Epp:** Coming back to the counselling aspect, do you have a non-Catholic as a counsellor in the school because that is an area of function that is very personal and often a one-to-one relationship?

**Ms. Flynn:** No.

**Mr. Epp:** You do not know of anyone? Could a non-Catholic fill that function?

**Mr. Pankhurst:** We have a school chaplain and we have two guidance counsellors. I would assume they are all Catholics, especially the chaplain. We have the presence of the clergy there; the chaplain comes once a week and he is available to students.

I do not see why a person who is not a Catholic could not be a counsellor. Counsellors deal largely with course selection, preparation for university and all of those kinds of things. I do not see why it could not be done by a person who was not a Catholic. Having the chaplain there is a real plus with regard to other forms of counselling.

**Mr. Epp:** Having been a counsellor myself, I know students often get into personal things. I think of some of the subjects that the students raised earlier, such as abortion and these various things. Could you see a non-Catholic dealing with those subjects, knowing what the Catholic belief is but saying, "This is a Catholic belief but..." dealing with the subject in that manner?

**Mr. Pankhurst:** Yes, there are many learned people who know not only their own faith but also many others and have a respect for all people's faiths.

**Mr. Epp:** Mr. Fox mentioned something earlier about compromise. He said he feels there may be additional compromise if full funding comes into the system. Do you want to elaborate on that a little?

**Mr. Fox:** Basically, as you have heard tonight, the students and the teachers, and I am

sure the parents will speak the same way, have in a sense tried to keep our ideals in the system that is currently in place. My fear is in the compromise, and this is just from talking to some people, that another option down the road might have been to have one public system and just add on religion for those who wish to take it.

That would compromise the way our school is now, or at least the way I would envisage that, because, as I said in my brief, I think being a Catholic school involves a lot more than just the religious education that is taught in one 40-minute period.

**Mr. Epp:** It is just like English. Some people feel when you are teaching English that is the only time you have to concern yourself with the proper spelling and pronunciation and so forth. When other people teach math or history, or whatever, they still have to be able to spell properly. Is that a good analogy?

**Mr. Fox:** I think so.

**Mr. Epp:** Do I sound like a teacher? On a lighter note, how many students are there at O'Connor?

**Mr. Fitzsimmons:** For September, we have 956 registered now.

**Mr. Epp:** And how many staff?

**Mr. Fitzsimmons:** Fifty-five.

**Mr. Epp:** And at Paul Dwyer?

**Mr. Pankhurst:** We are going from approximately 740 students to around 949 or 950. We are jumping from a staff allotment of 41 to around 50 or 51.

**Mr. Epp:** Do you see yourselves essentially representing the staff in the school?

**Mr. Fitzsimmons:** No, we were approached during the month of July. We had no way of contacting them; they were all over the place. We are speaking as individuals. The three of us are not here representing the 55 teachers at Denis O'Connor high school. We have not consulted them in any way.

**Mr. Epp:** Are the students not speaking for the student body? I was wondering whether it was significant that six teachers were representing 100 teachers and four students were representing 1,500 to 2,000. I wondered if that reflected well on the students.

**9:10 p.m.**

**The Vice-Chairman:** I assume that counselors in the separate school system and the difficulties they would have with some of the issues raised by Mr. Epp would not be all that unlike social workers of the Catholic children's

aid society. There is an analogy that might be worth it for Mr. Epp. There are policies of a Catholic children's aid society that are really quite different from those of a public children's aid society.

**Mr. Epp:** I am glad you mentioned that because I am a non-Catholic and was president of the Catholic social services, so there you go.

**Mr. Fox:** You know it can be done.

**The Vice-Chairman:** You helped the committee members very much. The parents are next, I believe.

**Mr. Jeffers:** Actually, you have the fund-raisers.

We have been requested to shorten the remarks to make room for some more questions. The first speaker is going to read her entire presentation. We believe it is worth while. I will shorten mine and allow more time.

**The Vice-Chairman:** Could you introduce your colleagues.

**Mr. Jeffers:** I will let them introduce themselves.

**Mrs. Sandrelli:** My name is Agnes Sandrelli and on my right is Ann Hendricks. We are both parents of Denis O'Connor graduates and have been involved in fund-raising at Denis O'Connor for 20 years. When I was asked to summarize this, my first instinct was that by summarizing I would take up more of your time than if I just read this. I will read it quickly.

This presentation represents the personal involvement of Ann Hendricks and myself, parents of Denis O'Connor High School graduates. If time permitted, a small army of parent volunteers would have been pleased to come before this committee to affirm their sacrifice and commitment to the cause of Catholic education.

Fund-raising for many of us was as much a part of Denis O'Connor High School as the uniforms and portables. Parents and students alike lived with the ever-present fact of rising tuition fees and the ultimate fear of closure because of lack of funds—funds for teachers' salaries, maintenance fees and other essential operating costs, not for extras such as gymnasium equipment, library books or adequate laboratory aids.

From its inception, the Denis O'Connor community of staff, parents, clergy and students was committed to a teaching environment that evoked Catholic principles as well as high academic standards. Recognizing this atmosphere as one in which we wanted our children to learn and grow, we embarked on any venture that might raise money to maintain our school.

Over the 20 years of involvement with Denis O'Connor—and for some of us this was long before our own children were even of high school age—our fund-raising ventures took on many forms. Bake sales, chocolate bar sales, hockey lotteries and parents' dance-athons were among the ongoing projects that strengthened our community spirit but fell dismally short of our financial needs.

It was not until 1975 that our efforts were finally rewarded with the introduction of a walkathon. The pledges collected from parents, staff, students and clergy totalled \$16,000, compared with our previous best of a few thousand dollars and some efforts that finished in the red. This became an annual project which took place on the last Thursday in September and has grown in spirit and pledges every year.

As one might imagine, \$16,000 collected in pennies and dollar bills does not come without a great deal of sacrifice and hard work. Prior to the walk, students spent countless hours blitzing the area in search of pledges. Parents and representatives from the teaching staff involved in the organizational aspect of the walkathon met throughout the summer to ensure all avenues of safety for the students had been covered.

The task of feeding all walkers at a common lunch stop along the route was an obstacle overcome by the willingness of the families to supply us with food. Water and beverages were transported throughout the day by parent volunteers at their own expense. Many took a day off work because they recognized the need for help and wanted to be involved. There was always a sleepless night on the eve of the walk caused by the possibility that rain might force us to cancel our plans.

For nine of the 10 walkathons, God smiled on our endeavours and provided good weather. Our commitment and dedication were tested by wind and rain only once. The ingenuity and generosity of the parents allowed us to use our collected lunch food to feed more than 400 students who found themselves without lunches and without cafeteria facilities available that day. Within 10 hours we replenished our food supply through the same sources as before and walked our 20 miles the next day.

For some parents the work ended at the last checkpoint. Others spent hours every day for two months counting and banking money as the students' pledges trickled in. As each year became more successful and the student population grew, more time was needed to roll coins, fill out bank deposit slips and stand at a teller's

wicket while each deposit was checked. There were times when we felt we were employed by the school from August to December.

One might ask why so many Catholic parents who were already paying school taxes for grades 9 through 13 to the public secondary schools, contributing through their church donations by way of Catholic high school parish assessment or collection, and paying tuition fees for their children enrolled in a Catholic secondary school would even consider the extra burden that fund-raising activities require.

The answer for us was simple. We would do what was necessary to ensure that our children were afforded the opportunity to be educated in a school which taught and endorsed Catholic principles. Denis O'Connor was and is such a school.

This presentation is in no way meant to serve as a guide on how to run a successful walkathon but to inform the committee of the sacrifice and commitment that is so much a part of Denis O'Connor High School.

**Mr. Jeffers:** I am making this presentation to the committee on behalf of the parents of former, present and future students of Paul Dwyer Catholic High School in Oshawa. Specifically, I represent the views of those parents who have been, and probably will continue to be, fund-raisers for this high school. The comments you have are a combination of quotes from written submissions and interpretations from those submissions where, in the interests of time, I was given the liberty of reflecting a common view. I do not believe I have deviated from the statements of intent in those written submissions.

As a starting point, I would describe the perception of parents of the options for secondary school education as their son or daughter is leaving grade 8, usually from a separate elementary school.

On the one hand, there is generally the public high school, fully funded with all facilities and programs. My tax dollars will go to support that program entirely, but that school does not necessarily promote an attitude or environment consistent with my beliefs. On the other hand, there is a separate high school which attempts to meet those needs and, within the framework of our provincial history, is a legal alternative.

The problem is that this school, although publicly funded in grades 9 and 10, is not funded equally and there is no funding beyond that. The academic programs are in place, but there are few frills. It is my responsibility to provide for the education of my family and I have a choice.

I choose in favour of that high school which reflects the attitudes, morals and environment of my own home—the separate high school. I therefore choose to pay twice. For now, having made that decision, my family deserves to have at least a competitive physical environment, as offered by publicly funded schools, so that they will not feel like second-class citizens.

Fortunately, in Oshawa the Sisters of St. Joseph have taken on the majority of that challenge in the past and, may I add, we will never be able to repay them. However, even with tuition fees being established at a value considered to be achievable by some families—but not necessarily all—it is not enough. We must go one step further: fund-raising. I have included some material from people in our area and I will let you read that on your own, as we were asked to summarize.

All of the fund-raising activities described were to maintain a system that could and should have grown along with the public system in the first place. That was the design. the costs of catch-up are a concern, and we are going to pay again. If public funds for education are not enough to provide adequately for the students we are responsible for, then we will probably campaign for funds yet again.

We are proud of the secondary school system we have provided through our own efforts, and that environment, attitude and challenge must never change. Public funding will allow us to provide more facilities—better and obviously more equally—than we could before.

We urge this committee expeditiously to implement Bill 30 and in such a manner, and this is just as important, that the character of the shared secondary school concept, intent and integrity are maintained in the way you find today.

**The Vice-Chairman:** Any questions from the committee? With many members coming out of a provincial election from which they may have debts, this is one presentation where you might have gone into more detail.

**9:20 p.m.**

If none, thank you very much. We will go on to the last part of the presentation, the parents.

**Mrs. McNamara:** We are speaking on behalf of parents and alumni at the two high schools. My name is Lorraine McNamara and I represent Paul Dwyer Catholic High School in Oshawa. To my right is Tom Gallagher of Whitby, who is an alumnus of Denis O'Connor High School. Bette Zincone and Betty Bujold are also representing Denis O'Connor.

I am a mother of six children, five of whom are still in the system. My husband and I—and when I mention “we” throughout, I mean my husband and I and not the royal “we”—are responsible for seeing that our children receive the best education possible, both spiritual and academic.

The public school system is excellent academically; we have no quarrel with it. However, it is limited now. It cannot impart the teachings and the understanding of those teachings of Jesus Christ which we believe to be necessary for our children's education.

It is not easy for us to send our children through the separate system. This year we have to assist our eldest boy with university fees and we have two more sons for whom we are paying tuition at Paul Dwyer High School. We have two children for whom we are paying for orthodontics. My husband makes a good wage. He is a secondary school teacher in the public system and we are not crying poor mouth. God has been good, but it is not easy.

Since my husband is employed in the public system, I am very conscious of and sympathetic about how upsetting teachers are finding this whole funding issue, but I really and honestly do not see that there is going to be any great problem. I know a fairly high percentage of Catholics are teaching in the public system and will transfer should the conditions be right.

I know also that within that system there are many very good non-Catholic teachers who would teach in the Catholic system and fit in beautifully. We could use a couple of good Baptists, as a matter of fact. As far as programs are concerned, with the spirit of sharing, that can be worked out.

I have been involved with the parent-teacher group at St. Gregory Elementary School in Oshawa since 1970. I know there are parents who would like to send their children through the Catholic high school system but simply cannot do it because they cannot afford the tuition. We are a city core school, and a lot of these people live at a subsistence level.

We are concerned that our children should grow up to be sensitive, caring adults, conscious of their responsibilities towards society and willing to give of themselves for others. We are living in a hedonistic society and a very me-first attitude seems to prevail. We believe Catholic education will help to offset those tendencies. We believe the future of our country rests on the shoulders of our young people and that the teachings of Jesus Christ promoted in our Catholic schools will benefit Canada.

I trust that Bill 30 will be implemented and that your committee will so recommend it. I thank you for listening.

**Mr. Gallagher:** My name is Tom Gallagher and I am speaking to you as a graduate of Denis O'Connor High School. I would like to present my views on Catholic secondary education with regard to its high quality, its religious aspects, the personal development it fosters and why, in the interest of fairness, I believe funding should be extended to grades 11 and 12.

My decision to attend Denis O'Connor followed naturally from my experiences in the separate school system during the eight years prior to 1976. The cohesiveness among students, the excellent rapport I experienced with the teaching staff and the high academic standards and challenges I came to know in grade school became a way of life at Denis O'Connor. Personal and academic development were fostered equally. Self-discipline, respect for others and a sense of student fulfilment were as high on the list of educational priorities as were the teaching of English, history and mathematics.

Religious education in the separate system in general, and at Denis O'Connor in particular, was neither dogmatic nor one-sided. Rather, it was developmental, open-minded and sought to create strong individuals by providing students with opportunities and experiences that heightened their appreciation of personal values, social justice, commitment to others and community involvement through volunteer programs. These aspects of my high school education were, and remain, very important to me. I believe they would not have received the same amount of attention or encouragement had I attended either of the two public schools in Whitby.

It was not until I graduated from Denis O'Connor that I became fully aware of the value of the integrated education I received. While I do not doubt I would have received a quality education in the academic sense from the public system, it was the combined intellectual and spiritual development that occurred in the separate system that best prepared me for what was ahead. The transition from high school to university and beyond was a relatively easy one, and I felt more than capable of meeting both the academic and personal challenges I encountered at Queen's University and in the educational field.

That the excellence and commitment of the Catholic education of which I speak occurred in the face of inequitable funding and substandard facilities attests to the dedication and profession-

alism of Catholic teachers, school boards, parents and the students themselves. Endless energy has been spent on fund-raising to keep Catholic high schools open while public tax dollars paid by Catholic parents are funding grades 11, 12 and 13 in the public high schools, a reality which is neither fair nor justifiable.

In conclusion, I ask that your committee studying equal funding act in the interest of fairness and help rectify the injustice that has plagued the separate stream of public education in Ontario for too many years.

**Mrs. Zincone:** I am Betty Zincone, a parent from Denis O'Connor High School in Ajax. My husband, John, and I have three children aged 19, 16 and 15. Our eldest daughter, Sharon, just finished four and a half years at Denis O'Connor; Diane and Bob still attend.

Four of those years were spent in a school that was so inadequate that being cold in and out of the classroom in winter was a fact of life. The science department supplies were limited and the gym equipment was as old as St. Michael himself.

I myself did not understand these conditions because I am a product of the public school system, as I am a convert to the Catholic religion from marriage and had no idea the conditions were so bad. My children deserve better.

In September 1984, our prayers were answered. After a long struggle, the opening of a new high school was finally a reality. Even with this new high school, we are still lacking a lot of equipment and supplies for our students.

With the help of the Denis O'Connor parents' auxiliary, which was established in 1982 and of which I am president, we will strive to help the school by raising funds to purchase equipment and supplies to meet the demands of the new school.

I fully support extended funding for grades 11 and 12, and I ask you to do everything in your power to ensure that this plan is carried out.

**Mrs. Bujold:** I am here today as a parent to tell you what Denis O'Connor High School has meant to my family. As a mother of four, my commitment to Catholic education began long before my children reached high school. In 1967, with my oldest son ready for kindergarten, I discovered the only Catholic school in Ajax did not have a bus service. I sent my five-year-old to school that year in a taxi, which cost me \$300.

I believe then, as I do now, that Catholic schools are schools with a difference. They are our legacy of faith, the heritage our ancestors sacrificed, struggled and fought for. As a

Catholic today, I am proud of that legacy and I, too, am here asking for a fair share. I am tired of the never-ending fund-raising, but I would do it all again. It is so easy to work for what you believe in.

Denis O'Connor High School is a group of very special people united in deep faith, strong convictions and a never-ending hope an equality will one day be reached. My children received the same quality of academic education their public school friends did, but the years of constant struggle have made them appreciate things more today.

Tuition, always a sacrifice, became a real hardship when my husband was hurt. Worrying about your dad is serious enough when you are 16; fear that you may have to transfer to a new school can be terrifying. Thanks to the generosity of the Grey Sisters and the Knights of Columbus, who offered us financial aid, we were able to keep our children at Denis O'Connor. Teachers went beyond the call of duty. They offered extra help and night after night they drove our son the five miles to his home. Today, a graduate of York University, he will tell you he would have quit school had it not been for all the concern shown him at that time.

**9:30 p.m.**

Three years of constant financial struggle caused by his father's accident, fear that the next operation would leave his dad crippled, and feeling he was adding to our problems with the expense of school fees and books proved too much for one of our sons. He got in trouble with the law.

The next six months were a time of court appearances, doctor's visits and countless missed classes. A simple phone call to the principal was all it took to keep his school life normal. The support he received from his teachers led him to begin to believe in himself. They offered to be character witnesses, they offered financial aid and suggested lawyers. One teacher found the time to write him little notes of encouragement. All offered extra help that enabled him to keep his marks up. The countless calls of encouragement and the thousands of prayers that were offered on our behalf kept us all going.

Support of this kind could also have been found in a public school, but Catholic high school students are provided with a Christian atmosphere where they are inspired with the love of God and their neighbour.

Retreats are those days alone, away from home with teachers and classmates where they confide their fears; those celebrations, those

times spent with a priest where they can share what is bothering them and gain an inner peace that changes their outlook on life. There were days when I saw my son begin to believe in himself again.

A few weeks ago this same boy graduated an Ontario Scholar, receiving a scholarship from Carleton University. I am here tonight to say "Thank you" to a Catholic school system that provided the teachers and education to turn a mixed-up young boy into a responsible young man; you might say, from a nobody into a somebody. I am here to ask you, Mr. Chairman, and your committee to implement Bill 30 so that all children can reap the benefits of an education that has so much to offer.

**Mr. Allen:** First, let me say to the fund-raisers that we did not mean to dismiss you in great haste. We were impressed by your efforts and energy and we know how much it means to you to be at least in anticipation of some backup beyond the heroic efforts that you have been engaged in in the past.

We have asked a lot of questions tonight of the previous two panels. In this case, I have only one broad but basic question.

You have heard the kinds of questions we have asked about access and the presence of non-Catholic students and teachers, and the interest we have had in your religious education program and the kinds of, I suppose, ignorance that we have displayed, and what have you. As you have read about Bill 30, and as you see the prospects of Bill 30 coming into place with some of the things you have heard about tonight and read about elsewhere, do you have any concerns? Are there any threats that you feel exist that give you pause or concern about what we are doing?

What you have said tonight has been very positive as to what you are expecting—some sense of relief, among other things, and some expansion of programming—but is there a sense of concern, anxiety and threat among you for what we are trying to do and the way we are trying to do it?

**Mrs. McNamara:** I can perceive something of a threat when I hear the stress on whether or not we would accept non-Catholics as teachers—it was mentioned by someone—people whose feelings and beliefs would be quite different from ours. That would be fine so long as they are comfortable in the system and we are comfortable with them. However, I do believe there must be some kind of screening process.

As a parent, I would be most upset if someone was hired who was, for example, an abortion

rights activist, which is completely inimical to our faith. I feel there must be some sort of screening process. For the most part, though, so long as the person is comfortable teaching within our school and can accept what we do, I would say he would fit in generally. But that is one point where I do believe there has to be a screening process.

**The Vice-Chairman:** On behalf of all committee members, I would think all four segments of the presentation tonight were very helpful. It was extremely well organized and extremely well put together. I think you are the first school group that has come with a total package to help the committee. It has been helpful to me, and I think I speak for all the committee members.

**Mr. Jeffers:** I would like to take this opportunity to thank you on behalf of all present, the students, teachers and parents we represent in Catholic secondary education in Durham region.

It is our wish that, in the weeks and months ahead, you will have the opportunity to visit some Catholic high schools. I extend this invitation on behalf of our two Catholic high schools. May the good Lord be with you in your most important deliberations.

**The Vice-Chairman:** I remind committee members to take all their material with them. If you have taken a look at your travel arrangements and there are any problems or mistakes, you should talk to the clerk.

**Mr. Timbrell:** Do we phone the airline limousines and give them the time?

**Clerk of the Committee:** Yes. If you give them the time, they usually arrive 10 or 15 minutes early. I usually call them in the morning for the afternoon.

The committee adjourned at 9:35 p.m.

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No. S-24

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Monday, August 12, 1985

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Monday, August 12, 1985**

The committee met at 2 p.m. in room 151.

### EDUCATION AMENDMENT ACT

(continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**Mr. Chairman:** I call the meeting to order as a quorum develops.

There is one bit of business to announce before we proceed. I gather from what I have heard that we should have an answer from William Grenville Davis tomorrow morning with respect to his appearance or nonappearance.

We have before us this afternoon the Metropolitan Toronto School Board. Mr. Tolton, the chairman, is here and will introduce us to the other panellists. This is the only delegation before we leave for Thunder Bay today, so we have a fair amount of time. You have already been given the large brief through the courtesy of the board.

Mr. Tolton, would you like to introduce those with you and then take us through the brief in any way you like.

### METROPOLITAN TORONTO SCHOOL BOARD

**Mr. Tolton:** Thank you very much. I would like to introduce to you, and the members of your standing committee, the members of this delegation which appears before you on behalf of the Metropolitan Toronto School Board.

Penny Moss is vice-chairman of the Metro board, and she is seated to my immediate left. Carole Olsen, superintendent of education resources of the school board, is to my far left. Charles Brown, the director of education, is to my immediate right. My name is John Tolton, and I am chairman of the school board.

In addition, we have other expert personnel present this afternoon who will be available to answer any detailed questions.

We have noted through observations at some of your hearings and by reading Hansard that you and your committee members have been most generous of your time in dialogue and discussions with various delegations. Indeed, on many occasions you have generously extended the scheduled period of time allocated to groups. We

would like to have a full and complete discussion with you today.

However, as you have pointed out, you do have an inflexible schedule and travel commitments to be met. It is our wish that we express to you our willingness to return at another date to complete any discussions or to answer any questions which may be incomplete or unanswered this afternoon.

Our brief is detailed and our points are supported by cogent arguments and appropriate references. However, in the interests of your time restraints, we do not intend to read the entire brief. When sections are omitted, they will occur mainly in the quotes of references. I can assure you the omission of any portion of the text in no way diminishes the fervour of our commitment to the position espoused in the document.

We would like to thank the members of the standing committee on social development for the opportunity to present the views of the Metropolitan Toronto School Board on the proposed legislation, which will provide public funding to Roman Catholic school boards for secondary education.

The Metro school board has been vitally concerned about and has taken an active interest in the issues related to Premier Davis's speech of June 12, 1984. We have included a chronology of our significant activities to date in an appendix.

**Mrs. Moss:** It is important for the committee to appreciate the arrangements for the provision of public education in Metropolitan Toronto and to understand the relationship of the Metropolitan Toronto School Board to the province as a whole.

The educational governance structure for the public school boards in Metro is unique. The Metropolitan Toronto School Board was created in 1953 in order that the combined fiscal resources of the entire metropolitan area could be shared to ensure equality of educational opportunity for all children in this area.

Since 1953, there has been a series of jurisdictional changes and amendments to the Municipality of Metropolitan Toronto Act which have altered some of the mechanisms of governance in Metro. None the less, the basic

principles underlying the creation of the Metropolitan Toronto School Board remain intact.

In 1984, some 30 years after the board's creation, Commissioner Bruce Bone observed in the report of the discretionary levy commission, "Metropolitan Toronto continues to be an educational jurisdiction whose homogeneity, complexity and local aspirations have been well served by the unique administrative structure devised in 1953."

The six area boards which comprise the Metro federation under the umbrella of the Metro school board are East York, Etobicoke, North York, Scarborough, Toronto and York. These boards operate elementary and secondary educational programs for more than 250,000 children in their jurisdictions. The Metro Toronto school board operates the public schools for the trainable retarded for the entire region.

A significant degree of co-operation has developed among the area boards in the sharing and provision of educational resources for the benefit of all children within our system. This co-operation is evident in such policies as open attendance across jurisdiction areas, the development of the Metro-wide curriculum project and the declining enrolment provisions in the secondary collective agreements which ensure that surplus teachers from one area board will be placed in vacant teaching positions in other area boards before any new hiring can occur.

Based on 1981 census data, Metropolitan Toronto represents nearly 25 per cent of Ontario's population and the Metro Toronto public school boards operate more than 25 per cent of Ontario's secondary schools. The public school boards within Metro employ 26,266 full-time equivalent permanent employees in both professional and support capacities. In total, the public education system represents the second-largest employer in Metro Toronto after the provincial government.

The commitment of the taxpayers of Metro to public education reflects the high priority which education holds in this community. As can be seen from the appendix, the Metropolitan Toronto School Board will spend \$1.29 billion for education in 1985, of which 91.5 per cent is raised from local taxpayers and only 8.5 per cent is derived from provincial grants.

It is interesting to note that for the calendar year 1984, the net expenditures by the school board represented 16.6 per cent of the total expenditures for elementary education in the province and 22.4 per cent of the total provincial expenditures for secondary education.

**2:10 p.m.**

**Mr. Tolton:** The Metropolitan Toronto School Board and the government of Ontario take diametrically opposed positions regarding the proposed extension of funding to Roman Catholic separate school boards.

It is unfortunate that there is a concurrence amongst Ontario's three largest existing political parties which fails to reflect the widespread public opposition to this plan throughout the province. The declared purpose of these committee hearings is only to consider recommendations of how the draft legislation may be improved to make it more workable, which denies once again the opportunity to discuss basic issues.

These facts make it difficult to raise the much more fundamental question of the proprietary of providing substantial additional public funding to support a particular sectarian educational system beyond that guaranteed in the British North America Act of 1867. None the less, we intend to challenge the principles on which the proposed legislation is based.

We do not intend to suggest improvements to this legislation. Quite apart from our views and the technical problems contained in Bill 30 as currently written, the Metropolitan Toronto School Board considers the principle it embodies to be socially and educationally mistaken. We consider it to be an unwarranted additional tax burden and to be fiscally unsound. Not least, we consider the proposal of extension to be constitutionally invalid and the proposed interim funding measures to be ultra vires.

In the light of these general concerns, our position can be summarized under three major headings: social and educational issues; fiscal and economic issues; and constitutional and legal issues.

Social and educational issues:

(a) The proposed legislation is socially divisive by virtue of contributing to the segregation of communities along religious lines.

(b) The government of Ontario, through this legislation, sanctions one religious faith to the exclusion of all others by providing educational legitimization of a sectarian educational system through public funding, thereby discriminating against all other faiths.

(c) While religious education has an important place in public education, it is totally inappropriate for public funds to be used to support an educational system whose stated purpose is to inculcate a particular religious perspective in the students it serves.

(d) In a pluralistic, multicultural society, citizens through their government have the responsibility to provide the best education possible within a single education system that each child has a right to attend regardless of race, colour, creed, ethnic origin, sex, mental or physical disability and, not least, religious affiliation or lack thereof.

(e) Discrimination on the basis of religion in selecting who may attend, or in selecting who may teach or in selecting curriculum orientation is socially and educationally untenable in a society that values tolerance and the broadening effects a proper education should and must provide.

In making these claims, two caveats should be entered. First, we respect the existing rights of parents to have their children educated in private schools so long as it is not at public expense. We have attached our brief dealing with the Commission of Inquiry into the Role and Status of Private Schools in Elementary and Secondary Education In Ontario for your examination. Second, we respect the right granted to Roman Catholics under the British North America Act to provide education at the elementary school level.

Fiscal and economic issues:

(a) The proposed legislation, by mandating two parallel, publicly funded, secondary school systems creates needless duplication of educational services and thereby either justifiably raises the cost of providing educational services or leads to the reduction in quality and/or diversity of educational opportunities.

(b) The full cost of operating two publicly supported, secondary school systems, if these costs are ever properly calculated and then revealed, will add substantial new costs for taxpayers to bear.

(c) The proposed legislation would significantly increase the tax burden on public school supporters in Metro Toronto if the current balance between provincial and local revenue is maintained unless there is substantial reduction in services.

Constitutional and legal issues:

(a) Our legal advice states unequivocally that the proposed legislation, whatever form it takes, will constitute a violation of the Constitution Act, 1982, and, in particular, section 15 of the Canadian Charter of Rights and Freedoms by virtue of discriminating on religious grounds in favour of one identifiable group of citizens and thereby discriminating against all other citizens.

(b) We have also obtained further legal advice which states that the government of Ontario,

through the Minister of Education (Mr. Conway), does not have authority under the Education Act to amend the general legislative grant regulation to provide interim funding to Roman Catholic school boards for grade 11 programs.

We maintain the issues outlined above must be openly debated by the standing committee on social development and by the Ontario Legislature before proceeding further with Bill 30. In the balance of this brief we will elaborate upon these issues in turn.

**Mrs. Moss:** I will begin by discussing the social and educational issues.

The legislation we are considering today raises some fundamental questions about the nature and role of public education in a democratic society. The damage it will do if passed will long outlive the present generation.

Mr. Davis's statement of June 12, 1984, established three commissions to deal separately with three different aspects of public education as it relates to Ontario society: the funding of Roman Catholic secondary schools; the role and status of private schools; and the financing of education in the province. The issues related to these three commissions are inextricably linked and should not be considered in isolation. They cannot be considered solely from a technical viewpoint; rather they must be considered within a more general philosophical perspective.

It is this consideration that we addressed in our opening remarks when we indicated at the outset the diametrically opposed positions that the school board and the government were taking with respect to these deliberations.

We should like to refer you to a fuller discussion of our perspective on the role of public education which we have articulated in our submission to the private schools commission.

In this brief, we examined the role of education in a pluralistic society and discussed extensively the state's responsibility to it. In it, we argue that what must be understood and respected is that there are limitations to what individual groups from within a pluralistic society can legitimately request of the school system and expect society to fund.

Historically, while early Ontario schools were founded by individual denominations, the non-denominational school system evolved because there were significant sectarian differences with respect to what ought to be taught in the schools and who had access to the schools. Our pluralistic society recognizes not only many different and divergent ethnic cultures but also a

greater degree of diversity of religious beliefs and nonbelief.

The nature of the pluralistic society dictates that there be respect and tolerance for the diversity of cultural and religious values. One of the major difficulties facing the public school system is how to deal with religious and values education when there is no consensus on any particular set of beliefs and values within the society. The question is whether an appropriate type of religious education can be conducted within the public school system without violating the consensus that has been forged regarding the goals of education and, in particular, without inculcating specific sectarian beliefs.

**2:20 p.m.**

A historical reason that schools in pre-Confederation days were operated by churches and that teachers were often clergymen or members of teaching orders of the church was that only the church had the institutional structure to organize schools. It was primarily those people within the church who had the requisite education and training to be teachers. This clearly is no longer the case. Today, governments provide the financial resources, authorize an independent but fully accountable organizational structure for school systems and ensure the appropriate training of teachers in public universities.

Given our social goals of egalitarianism and respect for multiplicity of world views, it must be questioned whether it is any longer appropriate to expect that public funds be provided for any single religiously oriented educational system except in so far as this was guaranteed at the time of Confederation. The question we are raising is whether there can be any justification for going beyond what may have been essential over a century and a quarter ago but is not today.

Secondary education ought to be the time in which adolescents are afforded opportunities to develop a better understanding of the divergent views represented in the pluralistic society in which they live.

We believe a common secondary experience for all students would more likely encourage the development of friendly and tolerant relationships that can perhaps best be achieved through sustained educative experience in concert with others of different creeds, races and points of view.

Bill 30 sanctions the isolation of some of our adolescents from other students of different faiths and points of view at a most significant time in their life. Sociologically, the divisiveness

fostered by the new legislation is inimical to the development of the religious understanding so necessary to religious harmony within any community.

In his *Globe and Mail* column of July 12, Orland French captured another facet of this problem when he wrote, "The debate is whether tax revenue collected from non-Catholics should be directed into a sectarian educational system in which children are taught a view of the world as one particular group sees it."

In his historical account of the early religious-political debate surrounding the separate school issue, W. G. Fleming notes:

"Ryerson's attitude was that the provision for separate schools in a popular system of common education like that in Upper Canada was inexpedient and regrettable. However, since these schools were already in existence, and those concerned attached great importance to them, he advocated their continuance. He hoped, however, that they would eventually die out as a result of the growth of Christian tolerance.

"In the early years, separate schools were said to have been set up mainly in areas where the unusual antagonisms between Irish Protestants and Roman Catholics made it impossible to secure their effective co-operation in running a single, common school. There was no evidence of a deliberate plan to establish a doctrinally based separate school system.... The concept of the total Catholic environment as the ideal educational milieu for the education of the child was by no means new, but it began to be expounded effectively, not before, but some time after the public school system had become well established.

"As this doctrinal basis for support took hold, it ensured that Ryerson's hope that the separate school system would disappear would not be realized."

Thus, from the inception of the public school system in Ontario, it appears Dr. Egerton Ryerson had many of the same views we do about the importance of a universal, publicly supported school system.

While there may have been much controversy surrounding the debate between Ryerson and Liberal MPP R. W. Scott, the royal commission commonly known as the Hope commission in 1950 reported the Ryerson belief that the Scott Act of 1863 was to have been the final settlement with respect to the extent of the Roman Catholic separate school system in Ontario.

Regardless of the historic debate, which may never be satisfactorily resolved, the Metropolitan

Toronto School Board has raised questions regarding whether the government's policy to extend funding beyond the constitutional guarantees to one particular religious group will necessitate the extension of funding to all other religious groups for the purposes of sectarian education.

It is clear that the proposal to extend funding to Roman Catholic secondary schools has resulted in the expectation that the government will provide equally for all religious schools. We note with interest the presentation by the Ontario Association of Alternative and Independent Schools to the standing committee, when Mr. Vandezande said:

"A liberal interpretation of this intent suggests that, had other significant religious or linguistic groups existed at the time of Confederation, they too would have had their rights contractually and constitutionally guaranteed. It is, therefore, not unreasonable to suggest that once the decision on Catholic funding is implemented, the government of Ontario, with the co-operation of the opposition parties, will expand the process to include all other bona fide independent schools in the province."

Such fragmentation of education, if allowed to proceed to any significant extent, will effectively shatter Ontario's highly respected public school system and would therefore be antithetical to the goals of public education in a democratic society. We regard the proposal to fund Roman Catholic secondary schools as the first significant step in this century towards the fragmentation of education in Ontario. Once this first step has been made, it is difficult to see how further fragmentation could be prevented if the antidiscrimination clause of the new Canadian Charter of Rights and Freedoms is to be honoured. We have no doubt the legal opinion will support this view.

During this debate, many of the proponents of the bill have suggested that Roman Catholics have been disadvantaged or, indeed, discriminated against for the past 140 years because Roman Catholic school boards have not been authorized to provide secondary school programs and because the grades 9 and 10 programs offered by Roman Catholic separate school boards have been funded at the elementary level.

We assert categorically that Roman Catholic students have not been discriminated against at the secondary school level. Every student, regardless of race, creed, national or ethnic origin, religion, sex, mental or physical disability, has had and will continue to have equal

access to the public secondary school system unless prohibited by the passage of Bill 30.

The issue of discrimination is important. It is interesting to note that separate schools for blacks were apparently constitutionally guaranteed and did exist until 1891. They were formally abolished only in 1964. In today's world, our government would be accused of discrimination against blacks if it operated segregated or separate black schools even if such schools were constitutionally guaranteed. It is therefore a strange twist of argument to say Catholics have been discriminated against because they have not been permitted to have segregated secondary schools.

We have maintained that a single, nonsectarian public educational system, by its very nature and mandate, is not and can not be discriminatory against Catholics. On the other hand, to perpetuate and extend a segregated sectarian educational system constitutes discrimination against all other religious groups and is an affront to the very large portion of Ontario citizenry who believe the propagation of a particular religious faith at public expense within a segregated educational system is both socially and educationally inappropriate.

In yet another twist, it will be possible to argue that under the new legislation the Roman Catholic ratepayers who do support the idea of placing their children in the broader environment of the public secondary school after sending them in their formative years to a separate elementary school will be disadvantaged by Bill 30 because they will no longer have the right to send their children to the public secondary school system unless they redirect their tax support to the public system or unless there is accommodation available for the person in the secondary school system operated by the public board. That is in section 136 of Bill 30.

The bill is silent on the issue of what is meant by accommodation being available. Accommodation in this sense cannot mean merely physical space in an existing facility. Available accommodation must be seen to mean that there are teachers, programs and spaces available within existing classrooms so the students in the public school system will in no way be disadvantaged by the presence of additional students from the Catholic school systems.

It would seem, therefore, that the legislation as now written does not provide adequate protection against discrimination, protection that clearly exists in the absence of Bill 30.

2:30 p.m.

**Mr. Tolton:** The second set of concerns deals with fiscal and economic issues. At the beginning of this presentation we indicated it was not our intention to provide a detailed analysis of Bill 30 to suggest how specific aspects of the bill might be improved. We believe such an approach could be seriously misconstrued because, by offering constructive criticism of the bill, we might lead the committee to conclude we are in accord with those errors we did not criticize. It is important, however, for the committee to understand some of the implications that the bill in its present form would have for the operation of education under the public school boards within Metro Toronto.

Operating costs: in the brochure *Extending the Roman Catholic School System* under the section entitled "General Legislative Grant Regulations," the government has indicated that special grant provisions will be made to compensate public boards for the immediate costs not transferable to the Roman Catholic school system. "These provisions will enable both public and separate school boards to provide appropriate education programs and service to their resident pupils without incurring an additional local tax burden."

We would like to know what that assurance means. To the best of our knowledge, it would appear local taxpayers in Metro Toronto will incur a substantial additional tax burden if the level of programs we are currently offering is to be maintained. At present, the Metro school board receives \$71 million in revenue from separate school supporters for the operation of public secondary schools. This revenue is generated by \$1.2 billion in weighted assessment. Should Bill 30 be implemented as currently written, access to this assessment would be transferred to the Metropolitan Separate School Board as of January 1, 1986.

We recognize that in losing access to \$1.2 billion of assessment, the Metro school board would become eligible for higher rates of grant. We also recognize that some portion of the cost of educating the pupils lost to the system may be saved. None the less, the net result will be a substantial loss in revenue.

Can the committee indicate to us where the money will come from to make up that loss? Will the government guarantee that the fees paid by the Metropolitan Separate School Board for those students remaining in the public school system, as they are entitled to under subsections 136n(1) and 136n(2), or choosing to attend the

public school system under the provisions outlined in subsections 136o(2) and 136o(3), plus the additional grants the province is indicating it will pay to public school boards, will equal \$71 million?

It seems to us that such a guarantee is highly improbable, particularly since the ministry's own submission to the legislative committee stated that the ordinary expenditure costs due to separate school funding for grade 11 in 1985-86 would be only an additional \$70.3 million for the entire province.

There are some other questions with respect to the tuition fees that will be payable by Roman Catholic school boards for students who attend public secondary schools. Can we assume Roman Catholic school boards will pay actual program costs and not, as in some jurisdictions, the lesser of the fee determined by ministry regulation or the fees calculated by the school board? Will separate school boards be paying for programs at the grant ceiling rate or will they be required to pay the full costs of the programs they are purchasing?

In our brief to the Ontario Commission to Inquire into the Financing of Elementary and Secondary Education, which is appended, we argued for the development of program funding. This proposal, which was received enthusiastically by at least a segment of the finance commission, recognizes there are significant cost differences among program areas; for example, technical, vocational and academic. Even within the academic area, there are different costs for programs. For example, the costs of grade 9 level and grade 13 level programs may vary considerably, one of the reasons being that the schools often operate very small classes, such as Latin or other languages at the senior division, in order to fulfil program needs for students.

In addition, there are questions with respect to the Roman Catholic students who leave the public school system to attend the separate school system in September 1985. Will the Roman Catholic school boards receive a 100 per cent grant on the four-month 1985 costs? Will the public boards be required to pay tuition fees to the Roman Catholic school boards, given that the public boards are in receipt of 1985 tax support for these students?

It is ironic that a major change in educational policy is being considered and will be implemented in a piecemeal fashion prior to receiving the report of the commission set up explicitly to make recommendations regarding an overall

policy of funding for elementary and secondary education in Ontario.

We now turn to an examination of capital assets.

In a statement of June 12, 1984, then-Premier Davis said: "It is not the expectation of the government to extend large sums of new capital grants to accommodate demands for new secondary school facilities. Rather, the commission will ensure that our abundant existing capital stock is effectively employed to provide a full range of programs."

The Metropolitan Toronto School Board notes with interest subsection 136x(11) of the proposed legislation, "The Expropriations Act does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section."

What does this mean? Could it mean that the capital assets of the public school boards are to be turned over to separate boards for \$1? Does this section override the Expropriations Act so that public school supporters will be denied fair market value for their public school assets?

Bill 30 does not deal at all with the recognition that there are existing school facilities with the private Roman Catholic school sector which can and ought to be used to provide needed space for the operation of Roman Catholic secondary education. The bill should address the issue of the provision of existing school facilities regardless of whether they are in the public or the private separate school sector. Does the legislation, as currently written, mean that the Roman Catholic Church will be able to sell its existing schools at market value to the private sector while, at the same time, Roman Catholic separate school boards will acquire public secondary schools at nominal cost? It seems to us this is antithetical to Premier Davis's enunciated principle that all existing school facilities should be used for the implementation of this proposed policy.

**Mrs. Moss:** We would now like to look at some of the implications of Bill 30 on adult and continuing education.

Bill 30 does not address in any way the issue of adult and continuing education. For many years, the government of Ontario has encouraged adult education and the concept of lifelong learning by funding continuing education programs offered by school boards. This is a concept and direction we heartily endorse, particularly in today's economic and social environment where individuals may be required to retrain several times

during their working lives or may have increased amounts of leisure time available to them.

**2:40 p.m.**

To date, separate school supporters, by virtue of having some of their tax support go to the public secondary system, have been able to participate fully in the adult and continuing education programs offered by the public school boards. The standing committee will be interested to know that as of October 1984 there was an enrolment in Metro's secondary continuing education programs of approximately 104,000 students in the following categories: general interest programs, 66,000; credit courses, 22,000; and adult basic education, 16,000.

At its meeting of July 30, 1985, the school board approved the fees for adult and continuing education as follows: \$210 per credit for those students resident outside of Metro but within Ontario. If the fee is paid by an individual, the maximum permitted to be charged is governed by section 4 of regulation 130/85 which, for a full-time secondary day school pupil, is \$1,580. On a per credit basis, the fee is \$1,580 divided by 7.5, which equals \$210.

The gross nonresident tuition fee for a full-time day school secondary pupil in 1985 is \$5,173. On a per credit basis, the fee, using the same calculation, is \$690. This is the fee which is charged to another school board or to the federal and provincial governments.

Should Bill 30 receive royal assent in 1986, it will be necessary to check the school support of every continuing education student and charge fees to separate school ratepayers on a cost-recovery basis.

The following questions must also be asked regarding adults in continuing education programs: Will separate school boards be authorized to offer adult and continuing education programs at the secondary level? Will public school boards be required to accommodate separate school supporters in adult and continuing education programs? Is the government concerned about the duplication of programs or the possible discontinuation of programs because of potentially insufficient enrolment?

On secondary programming, it is anticipated that our area boards of education will make more extensive comments about the effects or possible effects of Bill 30 on local programming in secondary schools. We will, however, provide only a general overview of the scope of secondary planning as currently offered.

Within the public system at the secondary level, more than 500 course options are currently

being provided in both English and French. Every level of difficulty is accommodated—advanced, general and basic—with programs being offered for exceptional pupils. Courses in academic, technical, business and vocational areas are offered at most levels of difficulty.

The vast variety of course options ranges from classical Greek to Punjabi, dramatic arts to painting and decorating, word processing to welding, advanced English literature to adult literacy programs, to name only a few. The basis on which this range of course options is offered are twofold: (a) the principle, upheld by the public system, of universal access and provision of program and services for every student according to his or her needs; and (b) the operation of secondary schools with a sufficient enrolment to ensure that a variety of course options may be offered.

As enrolments decline, course offerings become progressively restricted. If separate secondary schools providing programs parallel to those of the public school system were to come into operation, this would obviously have a severely restrictive effect on the number and range of course options that could be offered in either the public secondary or the Roman Catholic secondary schools.

The public school system, in providing for the requirements of every student according to his or her needs, is particularly aware of the need for technical and vocational programs. Within the Metro areas boards, there are currently more than 19,000 shop classes at the advanced and general levels, 22,400 classes at the basic level and 6,500 classes at the modified basic level.

When these figures are compared with the total number of classes at the advanced and general levels—more than 81,000 and close to 35,000 respectively—it can be seen that technical, vocational and basic programs represent a very substantial portion of the services and courses provided in Metro.

Although not all of the area boards within Metro Toronto collect data with respect to students' religious affiliation, the Toronto board does collect such data with respect to the distinction between Roman Catholic and non-Roman Catholic students.

We have appended for your information the enrolment statistics from the Toronto board as of March 1985. You will be particularly interested to note on page 25 the enrolment statistics of several of the schools offering programs in technical, business and vocational areas. While these percentages may reflect differences in

demography, it is more likely they also reflect the fact that many students, upon leaving Roman Catholic elementary schools at the end of grade 8, remain in the separate school board in grades 9 and 10 to take academic programs. Other students requiring vocational, technical or business programs come to the public secondary school system for their education.

In its brief for the planning and implementation commission, the Metropolitan Separate School Board acknowledges that it will have the responsibility to provide for the learning needs at the secondary school level of all children of its supporters. However, section 136d of Bill 30 appears to accord the separate school boards the option of not offering courses which would be difficult or expensive to provide—technical, vocational or basic courses being the obvious examples—but rather affording them the opportunity to obtain them by purchase of service agreements from the public school system.

Will the standing committee ask the minister and/or the planning and implementation commission to clarify how the Metropolitan Separate School Board received or will receive the authorization of the minister to offer secondary programs? We ask this question in light of the fact that the Metropolitan Separate School Board does not intend to offer a full range of programs for its students in grades 9, 10 and 11 as of September 1985 and has made, as far as we know, no arrangements with the public boards of education in Metro Toronto to purchase these programs.

It is the view of the Metropolitan Toronto School Board that if public funds are provided to the separate school boards, thereby according them equal status with public boards, then there is a concomitant obligation to provide a comparable range of programs. One school system should not have the opportunity to determine which programs it will offer its students and then slough off the high-cost programs or those that may be viewed as less prestigious to the public school boards. It is considerably less of a financial undertaking to provide academic programs which require less space and equipment than it is to provide a full range of programs.

To date, the privately funded Roman Catholic high schools in Metro have provided almost exclusively academic programs. The idea that, once public funds have been granted to the Roman Catholic school boards for secondary purposes, they would be free to provide only a selected range of programs, appears to us to contradict the concept of a publicly funded

system which provides for the needs of all its students.

**Mr. Tolton:** Constitutional and legal issues: In the beginning of this section we would like to review a selection of problems in the current draft of Bill 30. While we indicated at the outset of our presentation that we do not intend to offer suggestions and constructive criticism, it is incumbent upon us at least to identify a few of the significant areas of the bill which have legal implications for school boards.

We are concerned about the surplus teacher provisions as they relate to our collective agreements and the ministry's regulation number 277. In addition, we are concerned about the contracts for designated teachers.

**2:50 p.m.**

The area boards in Metropolitan Toronto probably have the most experience of any board in the province in dealing with declining enrolments and surplus teachers. We have had declining enrolment provisions in our collective agreements since 1975. Mix and match procedures, which deal with surplus teachers in Metro, have been carefully structured. It would appear that Bill 30 gives the planning and implementation commission power to set guidelines which would not necessarily respect the provisions in collective agreements.

There also seems to be an assumption by the planning and implementation commission that there will be a perfect match, that is, those teachers declared redundant as a result of this policy will be required and hired by the coterminous separate school boards. The planning and implementation commission should be made aware that such a notion of the surplus procedure process is simply not correct.

Is the government saying that it will pay all of the costs of keeping the designated teachers employed, even if it takes several years before these teachers are eligible for pension? Has this cost been calculated or estimated in the costs of implementing this policy?

The average secondary school teacher's salary in Metro is \$42,700. Thus, the cost of carrying only one teacher for 10 years would be \$427,000, plus whatever inflation adds to that over those 10 years. What happens if a school board has surplus teachers who do not meet the criteria stipulated in the planning and implementation commission's guidelines? The dispute is between the school board and the commission rather than between an individual teacher and the school board.

In addition to the technical problems of retaining a teacher's contract when there is no available teaching position for him or her, no reference has been made to the role that such a designated teacher can or ought to have with the school board. Again, our collective agreements govern the number of teachers who may be assigned for teaching duties and the types of assignments that may be given to pool teachers.

As well as being totally demoralizing to an individual to be placed in such circumstances, it would be a total waste of taxpayers' money if significant numbers of designated teachers were kept in the employ of public boards without teaching assignments.

Sick leave credits: Subsections 136l(12) to (18) present several problems regarding sick leave credits and gratuities. If it is the intention that designated teachers have protection with respect to their retirement gratuities, the wording of these clauses does not necessarily afford such protection. However, to the extent that the bill does require a school board to contribute to a retirement gratuity of a former employee, we believe it is appropriate for the government to indemnify that school board for costs over which it has no control.

The role of the separate school trustee on public boards: It is totally inappropriate to have provisions in Bill 30 that would have separate school trustees, as their last act on boards of education, take a fully participating and voting role at the required inaugural meeting of the board. What kind of accountability process would have trustees vote for the committee structure of a school board in one month, only to have them resign within a matter of a few weeks by the first day of the next month?

Will separate school electors choose not to run in the November elections if they will be required to resign as of January 1 of the following year? Such considerations ought to have been taken into consideration prior to the drafting of legislation governing the operation of school boards.

The planning and implementation commission: We feel compelled to express severe reservations about the power and authority vested by this bill in the planning and implementation commission. In the first instance, the commission was instituted as an arm's-length, administrative mechanism for the purpose of assisting school boards and the government with the implementation of the proposed policy.

We now see in Bill 30 that the planning and implementation commission is accorded the

status of an almost fully autonomous body with far-reaching and independent powers. It is elected by no one and is, therefore, answerable to no one; yet it wields what is very little short of a judicial power of decision. Where does this leave the minister of the crown? Who will formulate policy in the end? Will the ministry's own regional offices be subservient to or perhaps even replaced by the commission?

We believe there are many people, both school board officials and legal experts, who share our reservations on this matter. It is precisely this type of body which Chief Justice McRuer was referring to when he expressed concerns about the appropriate delegation of authority. He wrote:

"Bodies exercising subordinate legislative power to make regulations are in theory not even subject to the same controls as the Legislature itself. New rules of law which change or curtail rights or freedom, made by persons or groups of persons acting outside the Legislature, whether called ministers, boards, commissioners or inspectors, are not subject to public scrutiny or public debate before they are made.

"Where the Legislature unnecessarily gives up control and fails to provide proper safeguards for rights of the individual, there is the possibility of an unjustified encroachment on those rights.

"The practice of conferring powers to exercise subordinate legislative or administrative powers on boards, commissions and corporations that are outside the normal hierarchy of public servants, and which may act independently of the control of a minister, is a departure from our constitutional principles."

We strongly urge the committee to review with care the role and mandate of the planning and implementation commission.

**Mrs. Moss:** Finally, we wish to turn our attention to the issues with which the Metropolitan Toronto School Board has been preoccupied for several months. Since January 1985 the Metropolitan Toronto School Board has expressed serious reservations about the constitutionality of the provision of public funds for the purpose of having Roman Catholic school boards offer secondary education. There are two facets to the legal and constitutional issues.

First, there is a substantive question regarding the constitutional validity of the legislation, whatever form it may take. Second, there is a serious question as to whether the Minister of Education has authority under the Education Act to provide interim funding to Roman Catholic

separate school boards as of September 1985 for the purpose of funding grade 11.

As the committee is well aware, the Metropolitan Toronto School Board is in receipt of a legal opinion from J. J. Robinette, a copy of which is appended, which clearly indicates that, in his opinion, the proposal of Premier Davis, whatever form it takes, would constitute discrimination based on religion in favour of Roman Catholic school supporters as against all other persons who are taxpayers.

We are very pleased that the government has finally seen the merit of referring this compelling question to the Court of Appeal for adjudication. The Metropolitan Toronto School Board will be an intervener in the constitutional reference when it is heard in September 1985. In fact, we understand five judges have been appointed to hear the reference and that, to date, 38 groups or individuals have applied to be interveners. It seems to us that this record number of interveners is indicative of the importance with which this issue is being viewed.

We find it quite incredible, however, that the government would proceed with an interim measure which has the same effect as legislation when, at one and the same time, the government is asking Ontario's highest court to rule on its constitutional validity. By providing interim funding to the separate school boards prior to the receipt of a final judicial decision, it is quite clear that the government is not taking seriously the important question of whether the proposed legislation is constitutionally valid.

We consider it to be an affront to the courts and a cavalier attitude towards the adjudicative powers of the courts to implement a policy when the court is properly being asked to render a judgement on its constitutional validity.

### 3 p.m.

I am going to skip to page 35. It has been claimed that the Tiny township case has been criticized by some writers. The Tiny township judgement has never been overturned by the courts, and it is only in the courts that decisions regarding any contested point of law can be determined, not in academic debate. This is why a constitutional reference for Bill 30 is so vitally important.

Surely, however, it is essential that the government determine all the legal implications of its proposal before it starts down the road of implementation. Given that there is serious doubt about the constitutionality of this legislation, it is imperative that in the interim the government maintain the status quo to respect the integrity of

the forthcoming constitutional reference procedure.

Finally, we would like to consider the question of interim financing. The Metropolitan Toronto School Board has serious questions regarding the government's plan to proceed with interim financing when there is no legislative authority for Roman Catholic school boards to provide secondary education. We must ask, whence this urgency? The answer is obviously that there is only political urgency, an urgency created by this government and its predecessor. In addition, some of this urgency has been created by separate school boards acting to implement this policy without the approval of the government. No educationally valid or justifiable purpose is served by invoking interim funding measures prior to the constitutional adjudication.

As others have done, we must also point out the inappropriateness of the process by which this policy is being brought into the public arena. The Metropolitan Toronto School Board has pleaded since last January to have the proposed policy referred to the Court of Appeal and to have the court's decision rendered before any implementation occurs.

We have stated our concerns to four Ministers of Education in the past eight months. We have posed our questions to the planning and implementation commission. Finally, we posed our questions to the general public through the media prior to the last general provincial election in discussing the issue of whether the courts would be willing to roll back legislation that is either unconstitutional or *ultra vires*.

Mr. Robinette has assured us that the courts will rule on the legal issues, not on the political issues. In fact, he cited cases in which the Supreme Court of Canada has rolled back legislation that had not been challenged in the courts for many years. It is interesting to note in this context that the Supreme Court of Canada has recently ruled that the laws of the Manitoba Legislature must be written in French as well as English. In spite of the logistics and costs involved and of practices that have been followed for almost 100 years, the court has ruled that not having the laws in two languages was illegal and must be rectified.

It is not difficult to imagine how much more significant it will be to our children if the courts were to rule that the funding of Roman Catholic secondary education was illegal.

We believe our children's educational programs are too important to risk fragmentation as a result of a politically expedient situation and,

quite possibly, an unconstitutional act of government. We submit that children are not to be treated as pawns in an educational chess game, to be used in search of a game-winning strategy among governments, school boards, commissions, teachers, federations, churches, parents and other interest groups.

The Premier (Mr. Peterson), in discussing the four per cent rental hike ceiling that the government intends to impose on all private rental dwellings, was recently quoted—and I see is now putting out advertisements to this effect—as saying: "The government urges all landlords to act in good faith. There is little point in raising rents only to see them rolled back retroactively."

Why is it that the Premier is urging landlords not to create disruptions for tenants because of rent increases that potentially would need to be rolled back, while at the same time the government is implementing a funding mechanism that will affect the lives of thousands of children and their parents but could also have to be rolled back? We ask, is the government acting in good faith?

Let us now attend to the specific legal status of the announced interim financing measures. It is our understanding that a fundamental principle of regulations is that there must be legislative authority to support the regulation. We urge the government to examine the report of the Royal Commission Inquiry into Civil Rights, in which the Honourable James McRuer writes, "It is elementary that a subordinate legislative power can only be exercised effectively if the statute conferring the power is constitutionally valid and the persons purporting to make the regulations are the persons authorized by statute to do so."

He goes on to say, when referring to some specific examples: "In all these statutes the delegated legislative powers, although in some cases broad, are expressed objectively. If the subordinate legislator purported to make rules dealing with other matters, his action would be *ultra vires* and the courts would so hold." If the courts determine that a regulation passed in the proposed exercise of such a power was not necessary or advisable, they will hold the regulation to be *ultra vires*.

The Metropolitan Toronto School Board has sought and received a legal opinion regarding whether the ministries are empowered under the Education Act to amend the general legislative grant regulation in a manner intended to fund Roman Catholic school boards for the purpose of providing secondary education. The opinion we

have received indicates that the minister does not have such authority and such arbitrary powers.

In his opinion of August 6, 1985, Brian Kelsey, QC, writes, "In my opinion, the proposed amendments to the general legislative grant regulation 1985 would be invalid." Further down he writes, "In my view, these amendments"—and that is Bill 30—"are essential for the implementation of the announced government policy: it cannot be accomplished by regulation within the existing framework on an interim basis."

That opinion is provided for you in the appendix.

It now appears the Minister of Education is prepared to do something that has not yet been accomplished through appropriate legislative action. Let us again emphasize that if the government is sincere in referring the legislation to the Court of Appeal, the integrity of the court reference should be maintained by not providing ultra vires interim funding at this time. The problems related to this extremely sensitive matter will only be exacerbated if the government continues to impose its political will in an arbitrary manner.

Should this legislation be judged to be constitutionally invalid, the government will be in a catch-22 situation. It will have provided interim funding for invalid legislation, yet the minister has already asserted the government will not use the only other mechanism available to him, namely, section 33 of the Charter of Rights and Freedoms which permits the government to override otherwise discriminatory legislation.

In a democratic society the policy process must be one of consultation and consensus building. We recognize that consultation does not necessarily mean capitulation, and we recognize and fully support the right of the Legislature to make laws within the constitutional framework, but only within the constitutional framework.

**Mr. Tolton:** We thank the members of the standing committee on social development for their patience in hearing our brief.

We have attempted to make clear why the Metropolitan Toronto School Board is fundamentally opposed to legislation that extends the right of Roman Catholics to offer secondary education in a separate school system.

We have argued that the principles upon which this legislation is based cannot be supported on educational grounds and that it is socially divisive. We have shown that it is economically wasteful to create a duplicate secondary school

system parallel to the existing public secondary school system.

Furthermore, there are strong reasons to think that the proposed legislation is constitutionally invalid and that the interim funding measures would be ultra vires.

The educational fragmentation of this legislation and related interim financing measures will effect brings to mind the line from the famous nursery rhyme:

All the king's horses and all the king's men,  
Couldn't put Humpty together again.

**3:10 p.m.**

The fate of Ontario's public secondary school system will be no brighter than that of Humpty Dumpty if the proposed funding measures for separate secondary schools are taken to their logical conclusion. Will it not be said of Ontario's politicians a decade hence that all the king's horses and all the king's men could not put high schools together again?

In the light of the argument we have provided, along with those of many others who appeared before this standing committee, the only sensible course of action for the government of Ontario is to withdraw the proposed legislation to preserve our valued heritage of public secondary education. Ontario deserves better than a shattered system.

We believe Ontario has one of the world's finest public education systems, a system of which its citizens may justly be proud. We believe our political leaders should be channeling their efforts towards building and strengthening this heritage of free public education to which all its young people have equal access.

We recognize that education must and should come under close and orderly scrutiny from time to time. It has been 30 years since that has occurred in Ontario under the aegis of a royal commission.

We therefore urge most strongly that the new Ontario government demonstrate its leadership in strengthening education in Ontario by establishing a royal commission on education having a broad mandate to examine all substantive questions in education, including the issues now being dealt with separately by the three commissions set up following Premier Davis's announcement in the Legislature on June 12, 1984.

Only an inquiry having the status of a royal commission can hope to provide the broad directions and guidance needed for enlightened educational policymaking. The recommendations of such a royal commission could provide a basis upon which Ontario could modify its

educational system to prepare its citizens of all ages for life in the 21st century.

To close this brief, we make the following recommendations.

**Recommendation 1:** Whereas the government of Ontario has referred Bill 30, An Act to amend the Education Act, to the Court of Appeal to determine its constitutional validity, the hearing of which will not begin until September 23, 1985; and

Whereas it is not reasonable to expect a court decision on the constitutional validity of Bill 30 before January 1, 1986, and possibly later; and

Whereas the matter will probably have to be taken to the Supreme Court of Canada for adjudication, adding further years before its constitutionality can be finally established; and

Whereas there is reasonable doubt as to the legislative authority of a separate school board to offer programs at the secondary level; and

Whereas there is reasonable doubt as to whether the government has the legislative authority to amend the general legislative grant regulation to provide funding to Roman Catholic school boards for the purposes of providing secondary school education; and

Whereas a major disruption to students, parents, taxpayers and school boards would result if the courts were to rule that the government has no legal authority to provide interim financing in the manner in which it is intending;

It is therefore recommended:

(a) That the government not provide interim funding to Roman Catholic school boards to finance implementation of the proposed policy as of September 1, 1985; and

(b) That the government withdraw Bill 30 in favour of the course of action suggested in recommendation 2.

**Recommendation 2:** Whereas the funding of Roman Catholic secondary schools represents a fundamental shift in the province's philosophy of education; and

Whereas significant aspects of educational policy and legislation interact with the proposed legislation for the funding of Roman Catholic secondary schools; and

Whereas there has not been a comprehensive examination of Ontario's education policies and structures since the Royal Commission on Education in Ontario, 1950;

It is therefore recommended:

That the Ontario government establish a royal commission to examine and report on all aspects of the role of public education in a democratic,

multicultural and pluralistic society with a particular focus on educational legislation, educational governance, funding mechanisms and related program implications.

Thank you, Mr. Chairman. We would be delighted to answer any questions that members of your committee might have.

**Mr. Chairman:** Thank you very much for the brief, which is fascinating and illuminating. I have not read all the addenda yet, but I enjoyed the two letters from your counsel on the question of the constitutionality of the two actions. I found them both interesting decisions.

Are there members of the committee who have questions? I have nobody on my list at the moment, but we do have time. I do not think members should feel constrained at this juncture. A number of issues have been raised here.

**Mr. Timbrell:** I realize the chairman and representatives of the Metro board do not want to get into a number of the issues we have been discussing about possible amendments to Bill 30, but is there anybody from the ministry who is prepared to deal with some of the points raised by the Metro board? It is regrettable the minister could not be here—

**Interjection:** Can you speak louder? We cannot hear from back here.

**Mr. Timbrell:** I am practically sitting on the microphone.

I am just asking if there is someone present from the ministry who could respond to some of these points. It is regrettable the minister is not here for this major presentation, particularly the legal points that have been raised about the regulations. Is there anyone present who can deal with those?

**Mr. Chairman:** Mr. Mitchell is here from the legal department.

**Mr. Graham:** Do you want to focus on any particular part?

**Mr. Timbrell:** I realize the regulations have not yet been published, but I would like to have some assurance from the ministry that the course the ministry and the government have decided to follow is one that is legally sound. I am personally satisfied with respect to the legislation, going back over many months both in government and in opposition, that it is legally sound.

An interesting legal opinion is offered here by Mr. Kelsey. I do not know whether you were aware of it prior to today. You must have considered that aspect; if so, I would like to hear from the ministry.

**Mr. Chairman:** Perhaps I could ask Mr. Mitchell to come forward. We will deal first with the legal questions. We might want to have others respond to some of the other matters raised by the board.

On the question of the regulations and the Kelsey opinion, can you tell us what the ministry has considered and whether it is concerned that the regulations may be considered to be outside its ambit at the moment?

**Mr. Mitchell:** Throughout the development of this policy, the ministry's position has been that the most preferable route is to have the legislative authority in place. For that reason, we generated the bill and attempted to have it in place.

If the other side of the question is whether the minister has the authority to amend the general legislative grant regulation, clearly he does. However, the question being raised here is whether the minister has full authority to amend the GLG regulation in this manner and for this purpose without the legislative provisions of Bill 30. That is a different kind of question.

Our only answer to that for the time being could be that if we had thought the minister had full authority to amend the regulation for this purpose, we probably would have decided we did not need Bill 30. However, to take the question from that point on, it is really not so much a legal as a political question because at that point you are facing a situation where you cannot have the legislative authority in place and yet the government feels it has political pressures on it to conduct itself in a certain course of action.

**3:20 p.m.**

The answer to whether or not the government should be proceeding with an amendment to the regulation in September, prior to the putting in place of the bill, essentially becomes a political question that politicians would have to answer.

**Mr. Chairman:** Thank you, Mr. Mitchell. If it is taken before the courts, I presume it becomes a legal question, however. I suppose that is what Mr. Timbrell is raising, which is why we want to have some idea of the legal considerations from the ministry's perspective of this, as well as the question of the political will involved. You seem to say it is a pretty grey area.

**Mr. Mitchell:** Yes, in some respects it is.

**Mr. Chairman:** Mr. Timbrell, do you have any follow-up questions on that?

**Mr. Timbrell:** I have some follow-up questions that can only properly be put to the minister.

**Mr. Chairman:** Since we will have him with us the next three days, and he could not be here today, perhaps we can spend some time in Thunder Bay or Sudbury—

**Mr. Timbrell:** I would like to do that. I think all involved would like to be satisfied that there is not any danger the course decided upon by the government will fail and put many students and their families and teaching staff into a very difficult position in a matter of only three weeks.

I understand the need for some political will at times, but we also have to be sensitive to the need to base that will on law.

I know the member for Middlesex (Mr. Reyecraft) is a parliamentary assistant in the ministry but I do not know whether he has been privy to any of these discussions or if he wants to presume to speak for the minister. If he does not, I perfectly understand but if he could help in some way, all well and good. If not, my concerns raised by this submission will have to wait until the minister is with us in Thunder Bay tomorrow morning.

**Mr. Chairman:** Could I ask a point of information while we wait to see if Mr. Reyecraft would like to respond on behalf of the ministry? Is it your intention, after receiving this advice, to have an injunction brought? I think the committee, with all its hearings and all the people it has listed, would like to know, from our own perspective, when that might take place if you choose to do so.

**Mr. Tolton:** All I can answer at this point is that it is a hypothetical question because, to my knowledge, the minister has not done anything and the minister may very well never do anything. It would be quite pointless for me to answer that at this time.

**Mr. Chairman:** The board has not made a decision to move—

**Mr. Tolton:** It is very difficult for us to make a decision to do something based on what somebody might or might not do.

**Mr. Chairman:** You have already made your constitutional challenge well in advance of the bill being brought forward. Have you also—

**Mr. Tolton:** We made that in respect of a statement that the then Premier of the province made.

**Mr. Chairman:** But we have that statement that the regulations will be brought forward to make this change possible this fall as well; that is why I was wondering.

**Mr. Tolton:** Similarly, there was no action taken until such time as the subject was referred to the Court of Appeal.

**Mr. Chairman:** Mr. Reycraft, do you want to try to respond for the minister to Mr. Timbrell's concern or do you want to defer that?

**Mr. Reycraft:** I apologize for having been out of the committee for the last few minutes and not having been privy to the complete line of questioning.

**Interjection:** Mr. Chairman, we cannot hear.

**Mr. Chairman:** I am afraid there is a sound problem in the room. We get feedback if the sound is turned up any louder behind us, unfortunately, but perhaps, Mr. Reycraft, you could speak more directly to the microphone and if we all try to stay quiet, people will be able to hear.

**Mr. Reycraft:** I would like to comment, at least to this extent, that with respect to the change in the grant regulations, the minister has proceeded after having obtained advice from the Attorney General (Mr. Scott) and having been assured that what is being done is legal and proper.

**Mr. Timbrell:** That is helpful as far as it goes. It would be more helpful if the minister would bring with him to Thunder Bay tomorrow morning copies of the legal advice from the Ministry of the Attorney General to that effect.

**Mr. Chairman:** We will pass on the message that, if there is a written opinion on this, we would like to see it and if there is not, we would like to see a summary of what the opinion was.

**Mr. Timbrell:** Tell him to bring the Attorney General.

**Mr. Chairman:** He is going to be busy in the corner store stopping alcoholism.

**Mr. Timbrell:** That is why the Minister of Consumer and Commercial Relations (Mr. Kwinter) is in there stocking the shelves.

**Mr. Chairman:** That is right.

**Mr. Tolton:** Mr. Chairman, could I be so bold as to inquire, through you to Mr. Reycraft, when the grant regulations will be made available?

**Mr. Chairman:** Mr. Reycraft, do you have any idea as yet when this will be?

**Mr. Reycraft:** I am sorry, I have not been privy to any briefing that would indicate that. Perhaps the ministry officials could advise us.

**Mr. Chairman:** Mr. Mitchell, do you have any idea?

**Mr. Mitchell:** Yes, I have an idea. The amendments are in preparation at the present time and have been worked upon by our own ministry and legislative counsel. Exactly when

they may appear, I really cannot tell you. That time line is very difficult to predict. I think the government's intention is to have them available on or around the beginning of school.

**Mr. Tolton:** Thank you very much.

**Mr. Chairman:** That is the best we can do for you at the moment. Mr. Cooke, you had a question or a comment?

**Mr. D. S. Cooke:** It was going to be the same as yours. Obviously, these trustees in big metropolitan school boards are as sophisticated in answering or not answering questions as are cabinet ministers in former governments, or anyone in politics.

I do not understand your answer. You know there are going to be grant regulations coming out; you know the grant regulations are going to extend grants to separate schools for grades 9, 10 and 11. We know what the intention is. What is your opinion or the opinion of the trustees who are here? Do you intend to go out and attempt to get legal action to halt it for this fall? As chairman of the biggest school board in this country, you understand the implications for planning for the schools this fall, I am sure, and the chaos that would be caused by any action to stop extension of grants this fall.

**Mr. Tolton:** Thank you. I am rather delighted to answer that question. As you see, the title of our brief is A Shattered System. Quite frankly, gentlemen, it was not the Metropolitan Toronto School Board that created this chaos we are faced with; it was the current government and the prior government. We feel it is our duty as trustees collectively to do that which is important to protect the wellbeing of the students and taxpayers that we represent. In due course, you will find out exactly what we are prepared to do, if, as and when the government takes an action.

**Mr. D. S. Cooke:** It is very difficult to ask any other questions on a brief that says right at the beginning they do not intend to be positive and provide any suggestions on how to make Bill 30 work. Their intention is to make sure it does not work, and that is obviously the direction in which we are heading with this presentation today.

**Mr. Chairman:** This is not the only group that has done that, and it has not stopped us from asking questions in the past.

**Mrs. Moss:** It is probably important to note that the Metropolitan Toronto School Board, probably above any other, has attempted, since the announcement was first made, to provide the governments—the two of them—of Ontario with the information we have available in anticipation

that the politicians who are going to make such decisions might be interested in advice from a variety of sources.

We pointed out that we have asked our questions time and time again of ministers, of commissions and now of the committee. We have not got any answers yet. It is not, therefore, surprising to hear that you will not get a specific answer until we have made a decision of which we will then inform you.

**3:30 p.m.**

**Mr. Chairman:** Fine. It is totally your privilege. I do not have any difficulty with that.

**Mr. Davis:** It is good to see my colleagues from the Metro board again and to note that their chairman has not lost his sense of humour nor his ability to present a concise and matter-of-fact report. He is as assured as I have always known him to be.

I had several questions and I am sorry we will not have a longer opportunity to go through this brief and ask some of the perceptive questions that are raised within it.

**Mr. Chairman:** Give it your best shot.

**Mr. Davis:** If I understood the Premier (Mr. Peterson) and the Minister of Education (Mr. Conway) in the House before we adjourned, the present government has indicated that various persons within this province can come to this committee and that we are prepared to sit for ever and ever so everybody will have an opportunity to present a brief. I do hope this committee will look forward to the opportunity of coming back to this again because I think there are some very important issues in here that need to be discussed.

**Mr. Chairman:** There are some you could deal with right now, if you would like to.

**Mr. Davis:** Let us deal with one or two of them now.

I would like to refer to page 17 of the brief. You talk about the \$71 million you will lose from revenue from the separate school supporters. Is it your belief that as of September 1, 1985, that total \$71 million of separate school funds or assessment will go to the Metropolitan Separate School Board?

**Mr. Tolton:** Our belief is that, as and when the bill is ever passed, those moneys will go as of January 1, 1986.

**Mr. Davis:** I meant January 1986.

**Mr. Tolton:** We still have the concomitant problem of what happens now since the public system has received 100 per cent of the grants

with enrolment on a calendar basis. Is the Metro public board going to have to pay fees to Metro separate? Has anybody thought about that?

**Mr. Davis:** That is for the four months.

**Mrs. Olsen:** For the four months.

**Mr. Tolton:** That is just one thing. We have barely touched on the questions we have here.

**Mr. Davis:** Again, is it your understanding that on January 1, 1986, the total assessment of \$71 million goes? or is it your understanding that of that total of \$71 million which goes to the Metropolitan Separate School Board, which I assume is just for the Metro area, the only proportion of that transferred to the separate school system will be that portion required to fund grade 11 and the remainder of that money—which I think would be something like \$60 million, if it is \$11 million to fund grade 11—would still come back to the public education system?

**Mr. Tolton:** That is not our understanding or interpretation of the clause. All of the moneys shall move and then I suppose there would be a negotiation of fees on the part of Metro separate, buying service from Metro public for those students who remain, which raises other questions, as you know.

**Mr. Davis:** If I understand correctly, and I need this to be clarified or corrected, the funding for grade 11 in the separate schools across this province was roughly—I forget; but for Metro it is about \$11 million.

**Mr. Tolton:** The \$70.3 million, if I can help you there—

**Mr. Davis:** But the assessment base they are taking for the Metro Toronto board, they are taking the whole separate base. They are taking it from the public educational system. Is that being used all across the province for the whole \$70 million?

**Mr. Tolton:** The \$70.3 million across the province.

**Mr. Davis:** The \$71 million I am talking about is only the Metro assessment?

**Mrs. Moss:** Yes.

**Mr. Davis:** I do not know what the assessment base is across the province. What is it for separate schools?

**Mr. Chairman:** Does anybody know?

**Mr. Mitchell:** We do not know.

**Mr. Davis:** You do not know?

**Mr. Chairman:** We would need some of the financial people here.

**Mr. Davis:** What I am after is, it would appear to me that if \$70 million is all that is required to fund the first year, grade 11, and I do not know what additional amount is needed to fund grades 9 and 10, and the separate school has access to the totality of the separate school funding from the public school system, what is happening with all that additional amount of money?

**Mr. Chairman:** I do not think anybody is going to be able to answer that now, but I think it is one of the questions coming out of this that we should be trying to get some answers on from the ministry in the next couple of days. Do you have some help for us, Mrs. Olsen?

**Mrs. Olsen:** As I understand it, it is \$1.2 billion in assessment that generates \$71 million in revenue, so \$71 million will leave the Metropolitan Toronto School Board and go to the Metropolitan Separate School Board. The bill provides for some of the grade 11 and 12 students, or the students who are currently in the public school system, and grandfathers those students to stay through the system if they choose to do so. The Metropolitan Separate School Board presumably would use some of that money to reimburse us for the costs of the students who remain within the public school system, but I am sure it would not equal \$71 million.

**Mr. Chairman:** That is what we are trying to find out. The presumption was it would be only for the actual students who were transferred.

**Mr. Davis:** What happens to the rest of the money?

**Mr. Chairman:** Exactly. How does it go back to the board?

**Mr. Davis:** My understanding was that the assessment base they would take would fund grade 11 and what is required. The money still left of the \$71 million would go back to the public school system to give a two-year, turndown period. Now I am hearing that is not going to happen.

**Mrs. Moss:** That is not what the act says.

**Mr. Davis:** I know what the act says. I am saying what I heard. What I am trying to find out is, if that is not what is supposed to happen, what is happening? I have lost track of a whole bunch of money.

**Mr. Chairman:** Let us see whether Mr. Mitchell can help us track it down.

**Mr. Mitchell:** I do not know whether I can help track it down. The provisions of the bill stipulate that a person who is already a supporter of the Roman Catholic separate board is deemed

to become a supporter of the new extended Roman Catholic school board and, therefore, the assessment shift takes place in the first instance in its entirety.

**Mr. Davis:** If that is true, why are we arguing about the separate school trustees staying on a board, if the total assessment base has moved over and the amount of funding is a total package all at once, and why are we implementing only one grade instead of all three grades? With all due respect, there is a whole bunch of money floating around out there, and I would like to know what you are going to do with it.

**Mr. Chairman:** Which question would you like answered first?

**Mr. Davis:** I am not sure we are going to get an answer.

**Mr. Chairman:** I think Mr. Mitchell is going to give it a shot.

**Mr. Tolton:** You can ask those people questions all the time. That is what we are here for.

**Mr. Davis:** You raised the question. I want an answer.

**Mr. Chairman:** This is for your information, Mr. Tolton.

**Mr. Mitchell:** In answer to what I think was Mr. Davis's first question, it was precisely for this reason that we gave so much consideration to the issue of separate school representatives on the public boards. It was precisely for this reason that so many questions arose over the timing of the removal of those separate school reps from the public board, because those separate school reps are tied to the assessment. Once the assessment is gone, there is no longer any really valid reason for retaining them on the public board. Most people have recognized that, but not everyone has agreed on the timing that those separate school reps should be removed, and that has been the problem.

**Mr. Chairman:** The other questions are more substantial, if I can put it that way, and we will try to get some answers. The board has posed a number of questions from that point on, primarily on the funding issues and the transfer of buildings and that kind of thing. I wonder whether the ministry officials might make note of them and try to provide a memorandum to the members of the committee or brief the minister so that in a couple of days' time he could provide us with that information and we could then have a further discussion.

**Mr. Tolton:** Mr. Chairman, we would like the answers as well.

**Mr. Chairman:** As you may know, all the information before this committee is public and we will get it to you as well.

**Mr. Tolton:** We would be most grateful.

**Mr. Chairman:** If they could do that, it would be very helpful to us. Mr. Davis, do you have other questions?

3:40 p.m.

**Mr. Davis:** The other questions relate to the issues they raised on pages 18, 19 and 20 with respect to the funding issues. The only other question I would like an explanation of relates to the middle paragraph on page 20. It says, "Bill 30 does not deal at all with the recognition that there are existing school facilities within the private Roman Catholic school sector which can and ought to be used to provide needed space for the operation of Roman Catholic secondary education." I would like them to comment on that.

I have already raised the other issue about the Roman Catholic private schools—what is happening to them?—and we are supposed to get an answer on that. However, I was under the impression that all the Catholic schools are overcrowded and cannot accommodate people. I would certainly like your response, Mr. Tolton.

**Mr. Tolton:** Our thrust here is simply that we saw some red flags when we saw the reference to the Expropriations Act. In our interpretation that dealt specifically with the properties held by the public school system. Immediately it came to mind that if we are truly going to have a separate secondary school system, it would appear logical that the separate secondary school system will own its properties.

I believe the submission the Metro separate board made to the planning and implementation commission indicated that only three out of 27 sites currently used in Metro are owned by Metro separate. The remainder are owned by either the church or archdiocese or an order.

In reading this thing through, our concern is that the reference to the Expropriations Act might be such that Metro separate or other separate boards will be able, under the aegis and direction of the planning and implementation commission, to obtain public property—for example, at a dollar a site—and at the same time be privileged in selling those properties held by the church at market value. There is no reference whatsoever in the legislation to those sites currently operated by the separate school board.

That is the concern we have here. We think there should be clarification so that all parties

understand what is intended. I think there is some confusion here.

**Mr. Jackson:** I have a supplementary on the transfer of properties.

Mr. Tolton, we have been pursuing this whole issue of the transfer of facilities. Are you aware that there has been little resistance from some of the separate school representatives before us to embracing the notion of the transfer of diocesan property to the separate board?

**Mr. Tolton:** At what value?

**Mr. Jackson:** I have to word this as a question.

**Mr. Tolton:** I would certainly imagine that the archdiocese would love to move that property into the public domain. Is that going to move at fair market value and the public property not move at that value? That is the inference in the clause that refers to property.

**Mr. Jackson:** I think it is fair to say that with the amount of questioning on this section, it is going to be subject to considerable amendment.

Were you also aware that there has been a suggestion that a more permissive angle on this legislation be considered, that there be provision for the transfer of a separate facility to the public board?

**Mr. Tolton:** I would expect that there would be a quid pro quo, if that be the instance. I have difficulty imagining that occurring at this time, but there must be somewhere in the province that it might.

**Mr. Jackson:** In some instances it might occur. Finally, are you aware, on the issue of compensation, that when we pressured the minister he indicated he would resolve the matters of compensation directly?

**Mr. Tolton:** That is refreshing to hear. From my reading of the bill, it would seem the planning and implementation commission has total authority for running education in the province henceforward. I am glad to hear that he still has some interest in this issue.

**Mr. Chairman:** I am sure the minister will be pleased to know you are pleased.

**Mr. Jackson:** I have a final question for Mr. Mitchell. I think this is the fourth brief that has specifically made reference to continuing education, and I compliment the panel for bringing us hard figures and data that we can deal with. Could we have some comment from Mr. Mitchell about the ministry's mind in this area and to what extent consultation with the minister has occurred in this area?

**Mr. Chairman:** Mr. Mitchell, this is around the whole question of adult education, continuing education, etc.

**Mr. Mitchell:** Dr. Graham may be able to speak more intelligently than I can to the amount of consultation that has taken place with the minister. It has been discussed by staff at a staff level. Our expectation all along has been that the new Roman Catholic school board would have authority in all areas of programming, including continuing education.

**Mr. Chairman:** That is one of the things we should again get clarified with the minister.

**Mr. Brown:** Is it then the intention of the act to provide the same opportunity for a separate school board to decide whether it will offer adult and continuing education programs as they are in the regular programs and thereby impose that on the public school system?

**Mr. Chairman:** That is exactly what we are going to have to get clarified politically rather than from a legal adviser at this stage. Your concern is noted, as is that of other groups. We shall have the minister with us for three days and we shall try to get that for you and provide you with any of the answers we get. We recognize your concerns in that area.

Do any other members have questions? If not, thank you very much for your attendance. The steering committee will discuss how and when we may be able to get back together, as you suggested, at a later time. We also shall be trying to update you on answers that we get from the ministry. You may have further questions for us which you should feel free to send to my office, if you like, and I will make the committee aware of any of your additional concerns as you get responses from the ministry. Thank you for the time and energy you have put into this.

**Mr. Tolton:** Thank you very much. We enjoyed being here.

**Mr. Chairman:** Committee members, for your information, exhibits 201 to 300 will be in your offices tomorrow. That means you will not be able to take them with you. I realize you will all be very upset about this, but they will be there when you get back. Limousines to take you to the airport will be at the front doors in about 12 minutes time, at four o'clock. The Windsor transcripts also should be arriving at your offices tomorrow morning so they will be available when we get back.

**Mr. Jackson:** I have a quick item I would like read into the minutes of this committee—

**Mr. Chairman:** Order. Please clear up in an orderly way. We are still conducting business here. Thank you very much.

**Mr. Jackson:** I understand that, with this committee proceeding north to Thunder Bay, we will be receiving a presentation from the Kenora board. It has also come to my attention that there has been a minority report filed by the planning and implementation commission that affects the Kenora board.

I am quite angry and concerned—and shocked to a degree—that such a minority report exists and that during the course of the presentation from the planning and implementation commission we were not advised that a minority report exists.

I am further led to believe that the Kenora board has asked the minister for a copy of that report in order to examine it as part of its presentation before this committee in two days. At this point I am not 100 per cent sure the minister has complied with that request, but I suggest that this committee should have access to that report.

Further, it raises the question—and I would ask that you inquire on behalf of the committee, Mr. Chairman—of whether there exist any other minority reports to the reports that were submitted by the planning and implementation commission for the minister's consideration.

If the government is going to allow this committee to operate in an open manner, I feel all this information should be made available to us and, specifically, to the boards which are adversely affected by comments raised in the planning and implementation commission's recommendations to the minister.

I would hope each member of this committee will be individually furnished with a copy and that the board will be provided with a copy in advance of the meeting on Wednesday.

**Mr. Chairman:** I see there are members of the staff of the commission here. Perhaps at the end of the meeting they could have a word with me to get this straightened out. I will try to make sure we have that information there if it is at all possible.

The meeting is adjourned until tomorrow morning in Thunder Bay.

The committee adjourned at 3:50 p.m.

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**SPEAKERS IN THIS ISSUE**

- Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
- Davis, W. C. (Scarborough Centre PC)
- Jackson, C. (Burlington South PC)
- Johnston, R. F., Chairman (Scarborough West NDP)
- Reycraft, D. R. (Middlesex L)
- Timbrell, D. R. (Don Mills PC)

**From the Ministry of Education:**

- Graham, Dr. J. R., Acting Executive Director, Regional Services Division
- Mitchell, W. T., Director, Legislation Branch

**From the Metropolitan Toronto School Board:**

- Brown, C. G., Director of Education and Secretary-Treasurer
- Moss, P., Vice-Chairman
- Olsen, C., Superintendent
- Tolton, J. B., Chairman





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No. S-25

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Monday, August 26, 1985

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Monday, August 26, 1985**

The committee met at 2:07 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**Mr. Chairman:** I will call the meeting to order. A quorum is within the chairman's sight. I welcome members back to Toronto. It seems as though we have been away for a long time. Cable viewers, who would have loved to be with us to see those marathon sessions in Ottawa, I am sure, are back again today.

The first group coming before us is the Ontario Secondary School Teachers' Federation, District 36. If you would like to come forward and take a chair, I will explain how we operate in case you have not been to any of the other hearings.

Essentially, we give you a chance to introduce yourself and ask you to speak as directly into the microphone in front of you as you can so it gets picked up well by the Hansard service and will also come across clearly on the television coverage. You can take us through your brief any way you like and then we will open it up for questions following the brief. If you wish to refer to your brief and make other remarks, that is up to you. If you wish to read it, that is also up to you.

Perhaps you could identify yourselves first, from left to right, so we can make sure we are accurate in our transcription.

### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION, DISTRICT 36

**Mr. Faulkner:** My name is Chester Faulkner.

**Mr. Scott:** I am Donald Scott.

**Mr. Chairman:** Welcome. Just launch in.

**Mr. Scott:** Good afternoon, Mr. Chairman, ladies and gentlemen. District 36 of the Ontario Secondary School Teachers' Federation welcomes the opportunity to appear before the social development committee. We come with particular concerns about Bill 30 and with the concept of funding itself. We recognize the difficult task of this committee, whose members and their parties are committed to this concept. We hope the particular problems of Wentworth county, although no doubt not unique, will be given serious consideration.

Some of our concerns are teacher and job related and are covered in our brief. Some of these may surface in our oral presentation which is not directly from the brief, but these will not be emphasized today. We leave the examination of our concerns to the committee in its study of our brief.

We would like to focus our presentation today on Wentworth county and especially the students. Wentworth county is a small, rural board with an agricultural and residential tax base when considering its population, but geographically it is a large U-shaped board which surrounds the city of Hamilton.

In 1983, Dundas District High School was closed due to declining enrolment in the west end of the county. Winona High School is scheduled to be closed in 1987, also due to declining enrolment. There will then remain just six high schools, two in Stoney Creek, two in Dundas, one in Ancaster and one in Waterdown, to serve the educational needs of these communities and their large outlying districts.

Wentworth county has already undergone program consolidation in Dundas with the closing of the district high school and faces it again in the east end of the county with the closing of Winona. District 36 has great concern for the program availability for the students in Wentworth county. Problems with programs already exist in our schools. A student enrolling in a program in grade 9, say in a technical option, may find it unavailable at the grade 12 level. Some entire programs—electronics, family studies and some others—are not being offered next year in some schools, even though they have been offered in the past.

In my school, Parkside High School, basic level students will be incorporated into general level classes next year and this occurs in many of our schools. Particular courses have also suffered cuts at my school. I am a math teacher. Math of investment, which provides a valuable grade 13 credit for nonmath and science students, will not be offered at Parkside next year, even though 12 students signed up for the course. I am sure Mr. Faulkner can give you examples of similar situations at Ancaster High School. This need to cut programs because of staffing and declining enrolment occurs in all of our schools.

Declining enrolment, school closure, and the ramifications of the Ontario Schools, Intermediate and Senior Divisions guidelines have led to serious problems in program availability in Wentworth county. With a loss of students to the separate schools, these problems could become extremely severe. If funding is enacted, steps must be taken to ensure continuity, availability and access to a full range of programs for the students in Wentworth county.

It is our opinion that if Bill 30 is enacted, section 1360, dealing with student access, and section 136t, dealing with program requirements of the separate school boards, are inadequate as they stand to meet the needs of our students in Wentworth.

Mr. Faulkner is going to raise another potential concern regarding students in Wentworth county.

**Mr. Faulkner:** One of the issues in Wentworth county that is going to become a very serious problem in the next few years is that of extracurricular activities. When I began teaching in 1967, I took on, as a first-year teacher, an extracurricular activity of coaching track and cross-country. I have done that at Ancaster High School for the last 16 or 17 years.

Extracurricular activities are a vital part of the educational process. I like to think the fact that most of the graduating students in grade 13 who have carried good, healthy averages and have been successful in school is partly due to their having learned self-discipline in the extracurricular activity. It has given them an activity, a place to be and has focused a lot of excess energy in healthy and good places. I see these activities coming to a very serious situation, perhaps even an end, in the next few years.

Funding is not the only reason. A major cut is coming about in transportation, which has resulted in our county's decision this year to run late buses only two nights a week rather than three nights a week. That is a small issue for most people, but for Wentworth county it becomes a major issue since it then is incumbent on the students to find parents who, if they do not work, can pick them up after school. What it will mean, in essence, is that those who live in Ancaster, for instance, will take part in extracurricular activities and those who live upwards of 25 miles away will probably not take part or will be very limited in what they can do. That is a serious situation.

There is another serious situation evolving around extracurricular activities that concerns me as a coach. When I began teaching I was a 22-year-old idealist. I am now 40 years old and

facing the problems of being 40. What I have seen happen is that after about 1972, when staff stopped increasing at a tremendous rate, the staff, for some strange reason, has aged with me, and the end result is that we are now growing a little older and staff to run extracurricular activities is getting harder to find.

Funding is going to affect us because, as we have stated in the brief, if you take job losses due to funding, you lose two elements. In ours, 52 per cent of those jobs lost will be lost by females, and we figured out 90 per cent of all the people who lose jobs will be under the age of 32 or 33.

That is where a lot of the energy comes from. It is the source of a lot of that because, much as you would like to take part in extracurricular activities, it becomes more difficult when you get older; it just is not as easy to do. I hope I will be able to go a lot longer, the body willing, but it is something that concerns me because I like the things we do. You get to know not just the kids you coach in track but also the kids who are out for basketball practice at night. You talk to the girls in gymnastics; you talk to the guys who play football. It is a community. There is a specific community in all schools of that one third who take part in those activities.

If we lose staff and we lose jobs—and we are going to do so in Ancaster next year—there will perhaps be a team or two that will not exist because coaches are not available. We have been trying to get them outside sources, and maybe that will help. But teams have already been lost in Wentworth county: Winona does not offer a basketball program until the senior level; junior football has been lost here; somebody else does not run a cross-country or track program any more because the staff is not available.

That is one place where I am seriously concerned. I do not know what the answer is, but there has to be a way of making sure all the young staff does not disappear from the secondary school system we teach in.

Another problem we face in Wentworth county is simply transportation costs, which will skyrocket. We are in a very hot debate at this point with the separate school issue about a school in the east end of the county, which school they would like to run outside of our system and which school we would like to give them; that is public knowledge. But one of the major factors in this is the tremendous difference in cost there will be to Wentworth county to transport the students anywhere else but to the centre of Stoney Creek.

2:20 p.m.

If you know Wentworth county, it runs around Hamilton, and half or more of our students are on the top of the mountain. There are only two exits down the east end of the mountain: down Highway 20 or way over towards Grimsby and down that way. There is no cheap way of taking those students down the mountain and taking them all the way out to the far east end of the county. If we move to the far east end and lose Orchard Park, the cost will be incredible to a school that buses a huge percentage of its people and cannot seem to handle those problems easily.

We wish to leave you a lot of time for questions so, to draw to a conclusion, having watched negotiations in the tri-board meetings, there are some concerns that bother me in watching the process go on.

Over the past many years of teaching, I have watched the basic system of shifting the control to the province and the blame to the people out there; it is a problem that worries me. We make a decision such as, "Let us have Bill 82 and you guys figure out how to implement it," or, "Let us have separate school funding and you people negotiate it." Then we get a report that says, "All negotiations seem to be going well." That is not my experience. They are not going well. Things are not going well.

We have to have a hard, fast, tight arbitrary system because up to this point negotiations in Wentworth county have been neither open nor useful. There has been a process of a whole lot of very important people sitting together saying, "Is it not nice that we can get along together?" Every time an issue of any significance comes up, nothing happens.

It is shocking to have negotiations go on for three years and go to a tri-board meeting—the only open meeting that was held at night—and find out that the separate school board still uses a different set of numbers than the public school boards do. When asked about it, they say, "These are numbers we sent to the ministry and they are different from the numbers we agreed to send to the commission." There has to be a hard-and-fast system so that we know. You cannot just leave it out there for those people to negotiate because I do not think they are going to do it.

Second, I have witnessed over the past years, especially with the OSIS guidelines, a remarkable decline in opportunities for the four-year general level student. He now faces a longer time in school relative to the academic student. He now faces taking compulsory courses that probably have little relevance to him or anything else, but make the *Globe and Mail*, and everyone

else who complains, feel wonderful and proud that the system is better.

If the funding cuts money for the public school system, it will be the four-year general level student who will lose. We now get 12 of them in a class. As Mr. Scott says, we lose the class. I taught eight basic level English students in grade 11 last year. The question was, should we get rid of the course next year? What we do is we move them in with a four-year grade 12 basic level class, so now I am teaching eight basic level grade 11s and 15 basic level grade 12s—or they move the eight basic levels in with a grade 12 general. That is beautiful because then you can play the games it takes to get student-teacher ratios significantly correct.

What happens is the general level student loses out because I now teach the basic level courses. This conglomeration of courses has been going on and could get significantly worse.

I ask only one other thing. If we are going to go ahead with funding, can we not consider some kind of unified school board system? In this sense, let me argue it from Wentworth county, which is strange because we are unique; we have to deal with the Hamilton-Wentworth Roman Catholic Separate School Board and it deals with Hamilton, so we cross the border.

Because of that, we would like to see some kind of unified system set up where each individual school board maintains its individuality, its identity and its funding, but there is some superstructure to make sure there is not senseless duplication in transportation, programs and such things.

When you are talking about putting elevators into a high school for wheelchair students, it is senseless to do it in the east end for a separate school when it is already in Orchard Park or Ancaster. That kind of senseless duplication could be averted if we came up with a superstructure board that would allow individuality within the boards themselves, and yet certain things that could best be run on a large scale would be done by the larger board.

Thank you for the time and interest. Do you have any questions?

**Mr. Chairman:** I am sure there will be. There are always questions. I will start off with a couple and set the scene a little. When you talked about the process of negotiation not being very open at the moment in your area, you mentioned two things, one of which was a three-year period. Yet the announcement was only in June last year. What did you mean by that?

**Mr. Faulkner:** In Wentworth county and in Hamilton about three years ago there was a discussion in the Ministry of Education about duplication of services and whether some formula could be set up. Wentworth county proceeded to create tri-board meetings. Tri-board meetings were designed to solve the problems of an enlarging separate school system. At that time it was already growing and some schools in Hamilton, for instance, were facing closure. Those meetings began then.

The meetings have always been held relatively quietly with little public access. At the last meeting I was at, only Wentworth county insisted that the boards be held publicly. They made sure that their tri-board meeting was held in the evening and that people were given notice of the meeting, in case they wanted to come and listen.

We had before us, in 1984 before funding came about, a document that suggested how we could solve some of the problems funding itself would have created. When I worked on a brief to the committee last April, we looked at the document and at what had been requested and suggested then, because we already had that in focus. For all those three years there has not been a great deal of progress. We still have not agreed on anything.

**Mr. Chairman:** Neither the OSSTF nor the Ontario English Catholic School Teachers' Association are official members or participants.

**Mr. Faulkner:** No.

**Mr. Chairman:** It is just that things are done differently in different areas.

**Mr. Faulkner:** Yes, and there is also a strong difference in the area itself. We mentioned in the brief that the separate school board has been adamant. Even when asked openly by Mr. Greenleaf, our director of education, what role teachers would have, Mr. Brennan from the separate school board said, "We do not see that they have a role."

**Mr. Chairman:** Is there shared transportation between the systems in your area?

**Mr. Faulkner:** There is none.

**Mr. Chairman:** The other item I noticed in the brief that you did not have time to allude to much, although you talked a bit about the youth of the teachers who are likely to be displaced, was the whole question of women teachers being disproportionately affected. Can I presume you are in favour of an affirmative action element within the designation process in order to make sure there is a protection of women for role

models and that kind of thing in the school? Have you discussed that at the local?

**Mr. Scott:** We have not discussed that as such, but I could tie it in with extracurricular activities, particularly field trips. In our school, whenever there is a field trip, a dance or a game, it is unwritten policy that a female chaperone be there. With a decreasing number of female staff in our school, last year they had to cancel dances for that reason alone, and that is going to become worse.

**Mr. Offer:** Let me congratulate you on your brief. It is very well done. I have a couple of questions about it. Could you give me some idea of the availability in the Wentworth area of separate high schools that you have knowledge of, the number and what you anticipate their approximate enrolment to be?

**Mr. Scott:** In Wentworth county alone, there are no separate schools, but in the Hamilton area, the Hamilton region, the city of Hamilton, I do not know the number, but there must be five or six separate school boards.

**2:30 p.m.**

**Mr. Offer:** You have had some ongoing conversation in the board meetings, which is a joint grouping. You say it first commenced three years ago. Can you give me some idea as to the type of negotiation communication that has progressed in recent times with respect to the advent of the extension of funding?

**Mr. Faulkner:** When the separate school funding was announced, what were then the tri-board meetings turned their focus totally towards the impact. There were agreements made that no submission would be made by any group until it was first seen by the others. There have been ongoing negotiations between both the chairman and the director of each of the three groups. They meet maybe once every two weeks to discuss specific issues or problems related to separate school funding. When the impact studies were done, they were discussed at the tri-board meetings. Everything that is sent to anyone gets brought out and discussed.

**Mr. Offer:** There is full discussion among people on this commission with respect to their particular local concerns.

**Mr. Scott:** To a point. It reached a point where Hamilton withdrew from the tri-board or refused to meet with them partly because of the strike situation in Hamilton. There have not been ongoing meetings this summer. We are concerned since we believe the plan put forward by the Hamilton-Wentworth Separate School Board

has been okayed; yet there is no staffing policy in that plan.

**Mr. Offer:** Have you seen the plan put forward?

**Mr. Faulkner:** Recalling the brief, we mentioned there was a teacher at Parkside who did not even know if she had been declared redundant as a result of separate school funding and the fact that students were shifting. She decided to take it upon herself to phone the director and ask the separate school board where it stood and what would happen. At that point, a superintendent told her that as far as he knew, no jobs were owed to Wentworth county, which left us where we are. We are very much in the dark. We do not know. There is no way for us to measure what is happening since they are not that open about what the numbers are and what they mean.

**Mr. Offer:** To carry on in that light, has there been any agreement with respect to how a teacher in the public board might be declared redundant because of the extension of funding as opposed to natural enrolment?

**Mr. Faulkner:** As far as I know, there is no specific agreement that states they will take X students and that will mean a teacher. They could not come to any agreement. There was a general feeling they would see how many students came into the separate school system and would figure out how many teachers that would mean. It was very general.

They could not decide on what one would use as a student-teacher ratio or anything like that. Even at that, they have never come to any kind of solid figure. At the last tri-board meeting I attended, the chairman of the separate school board said he had had approximately 200 students from Hamilton public schools due to the increased funding to take place next year. When asked how many teachers that translated into, he said, "One."

When asked how it could be only one, since that would be something like one to 200—even with my bad math, that did not seem right—he said one had to look at the way it worked, that they had people on part-time contract between the elementary and high school systems. Therefore, they had moved all those people up into the high school system and only one job had been declared open because of separate school funding. No one could get any other agreement on it and the issue was dropped.

**Mr. Offer:** I have a problem with that. You have indicated there has been some sort of agreement, yet there has not been an understand-

ing as to what it means. I am having a problem with that. If someone agrees to a format, then since there has been this type of ongoing negotiation and free dialogue between the groups, how could that be looked after?

**Mr. Faulkner:** It is a dialogue that looks a lot like Don Quixote's mirror trick. It is as if three people were standing talking at mirrors. There has been ongoing negotiation, but that side talks into that microphone and listens back, and this side talks into this one. I get the feeling they have not heard each other's tape recorders yet.

You have agreed there will be one, but then when you get to specifics in the meetings, there is never any real formula. There has been ongoing negotiation, open discussion, but never any hard and fast decisions, because it is like each side building its own little wall. In a sense it is hard to understand, but that is exactly it. We have been talking for a long time, but really no one has ever decided anything.

**Mr. Scott:** If I may, the directors of education have met and the director of the Hamilton Public School Board has a staffing formula. In an article in the Hamilton Spectator a couple of weeks ago, he was quoted as saying the directors agree on it, but since the tri-board has not met since the spring, it has not been passed by the three boards of education. As it stands, there is no staff agenda.

**Mr. Offer:** Though there is no staffing formula to which you have agreed at this point, there is something you know will be proposed at your next meeting.

**Mr. Scott:** If I could say something; they have agreed to it. We are not part of that.

**Mr. Offer:** I see.

**Mr. Davis:** I would like to continue on that line just for a moment.

My understanding of the process is that the separate school board would have had to send to the public school board some proposal, or at least a recognition of a number of factors, one of them being that it would take teachers who have been declared redundant to the public system because of the extension of funding. On that basis, that extension of the funding process would then be approved by the planning and implementation commission.

In essence, I am coming back to the part in your report which talks about the 200 students who will be shifted over, yet there is only one public school teacher required.

**Mr. Faulkner:** I should add, as Mr. Scott says, the separate school board at that particular

tri-board maybe will have a formula, but at that point they said they were willing to take teachers they did not need. They only required one, but they would take others. However, nobody actually discussed specific numbers.

**Mr. Davis:** In your estimation, let us say basing it on your own pupil-teacher ratios, those 200 children would generate how many teachers?

**Mr. Scott:** In a recent *Spectator* article, the Hamilton board estimated it would need to shift 20 teachers due to separate school funding. That is not because of the strike situation there. In Wentworth county for this September we estimate there will be no shift of staff required, but it is in Hamilton where our problem lies. There are the three boards that have to play around with the numbers. In a recent newspaper article, Hamilton estimated 20. There are none in Wentworth county for this September.

**Mr. Davis:** Using a ratio of 16 for your classroom, and I do not know if that is the right one, that kicks out 12 teachers. As of the May deadline, have any teachers been declared redundant because of declining enrolments who will not have a job as of September 1 in your system?

**Mr. Scott:** That is difficult to say. Because of the Hamilton strike situation, 50 teachers were declared redundant in Hamilton. That includes seven just in the past week. There are no estimates as far as Hamilton goes. In our county we lost approximately 17 probationary teachers, but we do not think that was due to any shift of students that may occur this September in Wentworth county. We cannot speak for Hamilton, though.

**Mr. Davis:** Perhaps, Mr. Chairman, some time this week the planning and implementation commission could tell us what is happening there. If that indeed did happen, then what is the separate school board going to do with teachers who it appears will become redundant because of that?

2:40 p.m.

**Mr. Chairman:** You want to hear the determinants from both the Hamilton and Hamilton-Wentworth boards?

**Mr. Davis:** Yes.

On page 3 you state, "Therefore, special rules will be required to make sure that those who are forced out of the public system can maintain some of the guarantees they have bargained for while a member of district 36," indicating there is a difference between the collective bargainings. Could you expand on what those differences are?

**Mr. Faulkner:** Our contract looks a lot different from theirs. For instance, there is a gratuity retirement fund. When you finish teaching, you have built up X number of days. That is a retirement gratuity that does not exist, to my understanding, in the Hamilton Separate School Board contract.

There are—it depends whether you are teaching or not—small things. When we went to the present system of semesters in Wentworth county, it was guaranteed that we would have three periods each semester. The separate school board has four periods each semester—three periods if you coach, four if you do not. That is a different kind of system.

There are other small things in the contract such as 260 days maximum accumulated sick leave. The separate school board has, I think, 200 days. There are all sorts of small things. There is a difference in income between the two boards, which would affect it. I think this is the reason there have not been many volunteers.

**Mr. Davis:** Could a number of those be worked out just by dialogue?

**Mr. Scott:** We have pupil-teacher contacts in our working conditions and the pupil-teacher contact ratio in Wentworth county is very good. Such pupil-teacher contacts, working conditions and the number of students one sees do not compare at all in the separate school contract, and I do not think that can be worked out.

**Mr. Davis:** What would you like then? Would you like those to follow you into the separate school system?

**Mr. Scott:** Getting back to what Mr. Faulkner said, I certainly cannot see any teacher in Wentworth county volunteering to transfer to the separate school because of the difference in salaries and working conditions. I certainly think that would be a better solution than requiring some of our youthful, less senior teachers to be forced into that.

**Mr. Davis:** That is not the question I asked you. What I asked was, do you want those special attributes of your contract that you negotiated, to follow you across into the separate school system?

**Mr. Scott:** Certainly. They will negotiate that.

**Mr. Davis:** If they do not follow you across, then what?

**Mr. Faulkner:** There is nothing we can do. I would like to be rich.

**Mr. Davis:** Okay. Thank you.

**Mr. Chairman:** I think it is a noble aspiration myself.

**Mr. Allen:** I am pleased to see people from the geographical area that hems us in around the lake here this afternoon. I am glad the strike ended and you were not inundated with hundreds and thousands of new enrolments to cope with, although you might have liked that.

May I say, first of all, I really sympathize with you on this general level student issue. Last year in the education estimates I hinged all my comments around the problem of the general level student, only to meet the response from the minister and her advisers that there was no such thing as a general level student. That is where you and I both have a great problem. There does not seem to be any recognition that they exist in some places, but let me move on.

You pointed out at the beginning of your remarks that the access provisions caused you trouble and you pointed specifically to sections 136o and 136t. You said—and I think these were your words—“They are inadequate to protect our concerns.” I could not be quite sure whether you felt they needed to be tightened, loosened or redefined in some way. Could you elaborate on that for us please.

**Mr. Scott:** I do not believe it is clear in section 136t whether Roman Catholic separate schools must offer a full range of programs. That is essential in Wentworth county so our students have access to a full range. If not in our schools, perhaps they could take some classes in the separate schools. That ties in with the full access. If a program is unavailable for students in our schools, without doubt they have to have full access to such programs that are unavailable in our system. I think the two tie together.

**Mr. Allen:** They do, and the assumption in the act, if it is not entirely clear—and we will have to look after that—is that the separate system will have to provide full programming, but they will not necessarily be obliged to do that through their own facilities, but through shared arrangements. That is the drift; we have to pin that down in a very crystal-clear way, but that has been stressed time and again in our hearings. The minister has made it plain that there is not going to be a lot of money for those new, expensive programs, so the shared co-operative program is going to have to be the route to go.

With regard to the unified school board concept, do you have a notion of precisely how you want to see that function? We have encountered a lot of different sharing arrangements around the province, which range any-

where from outrightly shared schools and totally merged services of a whole host of varieties through to a series of ad hoc arrangements between boards. In your mind, for example, if it was not possible to put the unified-board concept in place, would you see a joint management committee of some kind, which would try to integrate certain of the more common features of those operations, as an acceptable substitute? Are you at all interested in moving in that direction if your objective falls short?

**Mr. Scott:** In our region, because of the nature of Wentworth county—Wentworth county has different problems than does the city of Hamilton—it is most important for the citizens in those communities to retain that structure. If you want to come out with a group that will manage publicly funded education in Wentworth, be it in the current schools or the separate schools, I think we could go along with that concept, but the uniqueness of Wentworth county, in its geography and its nature, must be retained. A mutual timetabling of schools, because of the actual physical distance involved in getting students to schools and from one school to the next, is a possibility we would agree to.

**Mr. Allen:** I understand a lot of joint purchasing goes on right now between the boards, the municipality and so on. Am I correct in that impression?

**Mr. Scott:** There is a large sharing of facilities with the community and the schools. A couple of our schools have pools that are community pools—they are used both by the school and the community—but I am not aware of any sharing between boards.

**Mr. Faulkner:** There is very little. One of the special problems Wentworth county faces, that it seems to create itself politically, is its decision to try to remain unique and separate from Hamilton. Anyone who has gone through the regional dilemmas can understand what happened. Basically, what was said was that we still want to be Waterdown, or Ancaster and, being involved in local politics—as I grew up in Hamilton and lived in Ancaster—I have watched them suddenly become a little less ardent and a little more willing to accept what regional government has been able to offer relative to what they thought at the beginning.

The same situation remains in the school system. They would resent the possibility, which is very real, that Wentworth county could disappear as an educational system. It is very difficult. It has neither the kind of tax base nor the size to guarantee its practical existence, so any

kind of structure or superstructure which would allow it to keep its individuality and yet could share those things, which would be ideal with regional-type government, would be something we would look on very favourably.

**Mr. Chairman:** Mr. Allen, may I limit you to one more? We have two other speakers.

**2:50 p.m.**

**Mr. Allen:** Yes, just one more. We are hearing the Wentworth board on Thursday, if I am not mistaken, so I think some of these other questions about the tri-board and all of that operation can be cleared up perhaps then.

I presume you are aware that the tri-board itself does not have to generate a formula. If no local arrangement is satisfactory to the commission, the formula is that the public board's pupil-teacher ratio will govern the measurement of redundancy in the public system; then the agreement to take up on a priority hiring basis either those who are on the designated list or those who volunteer to come across, rests with the separate board and the remainder, however many are left over, even if only one gets taken up, remain the responsibility of the original public board, which is then funded for those positions by the ministry.

That is the picture. I think if only one person gets taken up and 200 students transfer, the anxiety one builds around that can perhaps be relieved by looking at the total pattern of what is going to happen or should happen. But we will get into that with the Wentworth board and try to clarify what has been going on in the background.

**Ms. E. J. Smith:** I guess we have two things here. One is that the group should sit down and discuss principles in a general way and come to some sort of resolution. The other is the definite intent of the government, and all of us, that individuals be fairly treated.

I was confused on two little points you made in your presentation. I am trying to interpret from what you said whether you felt the individuals were not being fairly treated. First, you said with some surprise, as an example, that a certain individual did not even know she was redundant. I want to clarify this for myself. I would have thought that the people talking about general principles would be talking about numbers and principles under which individuals would be dealt with and that they would be quite out of place if they dealt with individuals' names and told them they were going to be left out. You made a comment that it was inappropriate that this person had not been told, and I wonder if you

could comment on that. Then I have one other question.

**Mr. Faulkner:** It was not the problem of the teacher, if you are referring to the person in the brief.

**Ms. E. J. Smith:** Yes.

**Mr. Faulkner:** The problem came not from the fact she was uncertain, but there was no way of knowing; we had not yet agreed on a formula at that point to know who was specifically redundant. I do not think it is easy for anyone to tell whether he is declared redundant because enrolment just declined or whether it declined for a specific reason.

What worried me was that after all this time of discussing "We will do this and we could do this" and all the possible ramifications, the separate school board itself did not know at that time whether it owed our staff anything. It was not a matter of its being before an advisory committee; certainly we do not know who is redundant, because those decisions will be made. But there was a sense in her discussion with the superintendent that they did not have or would not have an agreement with Wentworth county.

I am sure the director of the separate school board knows there will be an agreement and I am sure an agreement will come, but at that point it had not even got to the superintendent that there was an agreement to come.

**Ms. E. J. Smith:** It would not be appropriate for that group to have dealt with that.

**Mr. Faulkner:** No. I would not think so.

**Ms. E. J. Smith:** The other thing, for my own clarification, is that you also mentioned that they seemed to be hiring from the elementary school rather than looking to bring in new staff. I found this rather surprising. I would have thought the unions are completely separate and that would be once again an individual negotiation, that surely someone being hired from a separate school elementary position into a high school would be regarded as a new teacher.

**Mr. Scott:** We were just as surprised, and that was a direct quote from Mr. Brennan.

**Ms. E. J. Smith:** If it is true and they are regarding it as not new hiring, I think it is important to clarify it. If, on the other hand, there is some confusion—because in fact, as you know, in the Catholic high schools you have both a private board and a board dealing with grades 9 and 10 because they are under funding like an elementary school—I wonder if that is the confusion that is entered in by any chance, rather than that they are directly hiring elementary

teachers as if they were not new. I think that should be clarified.

**Mr. Scott:** I agree. It may well be. It definitely is of concern to us.

**Ms. E. J. Smith:** It should be if it is true, and if it is not true, it should be clarified and disposed of.

**Mr. Faulkner:** Somebody could ask the commission. I remember the commission sent a notice that came either from someone else or through the commission, stating it was concerned about the possibility of teachers being moved from junior high school into the senior school, to fill their vacancies, and the hiring going on in the junior grades, which was part of it. I know there was concern somewhere else. Maybe the commission would know more about that.

**Ms. E. J. Smith:** My concern would be that if it is happening, it is legitimately a concern that should be clarified, and if it is not happening, let us get rid of it as a concern.

**Mr. Chairman:** We can only deal with it hypothetically now. We will wait until we meet the board, and if we cannot get a clear impression from the board, then we will talk to the planning and implementation commission next week and try to get it clearly from them.

**Mr. Jackson:** I apologize for being a bit late. I am familiar with your board, as I attended both Collegiate Avenue and R. L. Hyslop in Stoney Creek many years ago. Could you clarify the role you as a federation envisaged in the tri-board meetings? What was the extent to which you anticipated participating in those? We have had a range of answers to that question.

**Mr. Faulkner:** When the issue came up and when Wentworth county had to do its impact study, it requested and received a couple of teachers—I was one—who worked on the impact study with the director of education and other members of the board. I did not anticipate I would have a say in how Wentworth county addressed its issues and its problems, in my job as a teacher and as a member of Ontario Secondary School Teachers' Federation.

In my job as a teacher, I had no desire to control, but to have input. I am sure Mr. Greenleaf will tell you this later. At the time, I felt that what those of us who were there offered was valuable in reference to specific issues that teachers, or in that case a vice-principal, would know that even the director may not have understood.

We felt the tri-board meeting should have allowed input and discussion from the different teacher groups that would be affected. They know about the effects. It is one thing to deal with something in a general way when one is not specifically involved, and it is another when one knows there is a problem. For instance, there is the simple problem brought up there. Had there been teacher input at the tri-board meeting, there might have been an attempt to clarify that issue very quickly.

**Mr. Jackson:** Could you clarify what you meant by other teacher representation, from the other two boards?

**Mr. Faulkner:** I would assume from the Ontario English Catholic Teachers' Association and the other panels, even the elementary school teachers' associations, the men's and women's associations that may be affected. That way, there is a guarantee. I am also including employees' associations; it is one of the things that is always left out, by myself as well. There are secretaries and caretakers whose jobs are affected by these decisions and who know more. I cannot speak on behalf of caretakers, and they should have someone there to speak.

**Mr. Jackson:** I appreciate that, but we do not want a commercial for single-team bargaining. Was there not a strike in Wentworth about eight or nine years ago?

**Mr. Faulkner:** There certainly was.

**Mr. Jackson:** It was quite a serious one.

**Mr. Faulkner:** It seemed serious at the time.

**Mr. Jackson:** It was a serious strike, and the outcome of that was quite a change in your collective bargaining approach. You have gone to a single-team bargaining mode, and that is somewhat unique in Ontario.

**Mr. Scott:** We have since departed from the single-team—

**Mr. Jackson:** We tried it for three months once.

Is it fair also to say that your collective agreement happens to be one of the better ones in the province, relatively speaking? It is has pupil-teacher contact provisions, class loading provisions, benefits which on the provincial average are somewhat attractive. Is that a fair statement? Is that getting into individual details?

What I am trying to get to is the notion that in the Hamilton-Wentworth tri-board area there exist some dramatic variances, in the historical way the federations have operated with their trustees, and this has been further contrasted by

the recent unsettling resolution of the situation with the Hamilton board.

**3 p.m.**

**Mr. Scott:** Although I would hate to admit it in front of the Wentworth county board, I would have to—

**Mr. Jackson:** You are on TV; you are not in front of the Wentworth board.

**Mr. Scott:** Then I had better not.

**Mr. Chairman:** I am sure they are far too busy to be watching TV.

**Mr. Scott:** I would have to agree with you that we consider the Wentworth contract an excellent contract. This year we have just negotiated a two-year contract. They were not as successful in Hamilton.

We have good relations with the Wentworth county board and I would have to commend them throughout this. They have always been open to us as far as the funding issue goes. They will share numbers and discuss things with us, but when we go to the tri-board meeting, we are spectators and we sit and listen. The Wentworth board must be commended for their openness throughout this.

**Mr. Jackson:** I asked those questions for the benefit of the committee, in order to understand a locally based situation and some of the unique features of the tri-board concept and how it has some negotiating problems. I have a further question with respect to your five recommendations.

With the exception of item 1, which we have publicly requested the Minister of Education of this province to clarify since the day of the election when it was very clear where we were going with that item, items 2, 3, 4 and 5 all appear to be locally based collective bargaining issues. Is that an unfair statement? Are these not items that are locally negotiated at any given time in one form or another?

**Mr. Scott:** If you are talking about negotiations between the federation and the Wentworth County Board of Education, the federation has no say about in-school budgets. The federation has no say about the fact that subsequent programs are available. We do not negotiate transportation. None of those issues are in the domain of the federation in its negotiations with the Wentworth board.

**Mr. Jackson:** My final question on that point is, do you envisage the role of this committee, because of the fact that Bill 30 is now a phenomenon before us to deal with, as venturing into this area of free collective bargaining and the

relationship between the trustee and the federation?

**Mr. Faulkner:** The recommendations make no attempt to deal with what we consider to be bargaining issues. They revolve largely around the first one, which hits the main point, the problem of funding. Boards will have trouble with these kinds of issues.

As funding has declined, the percentage in larger part impacts more and more, as you are well aware. We are caught in a battle where the board says, "We cannot do any of this because the funding is not there any more." There was a cut in transportation. I am not on the board, so I do not know, but I remember the cut specifically coming last year. I knew the decision would be that there would be transportation cuts.

It is specific to Wentworth county, but it is nothing we can negotiate. It is something the government did which greatly affects us. We are recommending that, no matter what happens with separate school funding, these funding problems have to be looked at by someone in the province. They are the ones who will dictate largely what money goes where, when and how, to a great extent.

**Mr. Scott:** To get back to your question of negotiations, I have to comment, having been involved in negotiations this past year and for several years; since the strike in Wentworth we have had locally negotiated contracts every year. We do not see any advantage to bringing anyone else into the negotiations. We can work together in Wentworth and we are continuing to do so. We do not want you to enter into that domain of negotiations.

**Mr. Chairman:** We appreciate that very much.

I would like to thank Mr. Scott and Mr. Faulkner for coming forward and talking to us, especially Mr. Faulkner, who gave us our first literary allusion today. We expect at least one or two a day. We got some very colourful ones in Ottawa. I think Don Quixote is an especially appropriate one to raise before this committee. We appreciate your taking the time to come.

#### ONTARIO SECONDARY SCHOOL PRINCIPALS' COUNCIL

**Mr. Chairman:** Next we have the Ontario Secondary School Principals' Council, exhibit 468. The members will just have received appendix 468A, which has been distributed.

Mr. Putnam, you have brought new members who are not on my list, which is all male. Perhaps you could introduce Ms. Moore and the other

members so we can get them down for transcription purposes and then get started.

**Mr. Putnam:** I would like to introduce the committee from the Ontario Secondary School Principals' Council. I am Bob Putnam, chairman. I am principal of Parkdale Collegiate Institute in Toronto. To my right is Jack Martin, first vice-chairman, who is principal of Lindsay Collegiate and Vocational Institute in Victoria county. Betty Moore is second vice-chairman of the OSSPC and principal of M. M. Robinson High School in Halton county. On my far left is David Eaton, executive secretary of the OSSPC.

I would like to thank this group for allowing us to speak. We represent 1,400 public secondary school principals and vice-principals in Ontario who are members of the Ontario Secondary School Teachers' Federation.

You might ask why we are here. We are here really because of a concern that all secondary school students in Ontario, be they Catholic or non-Catholic, will be less well served if full funding implementation is carried out in every community. We would like to suggest there are certain unique problems and we would like to pose a question to this group. It is an overriding theme. Are you as legislators prepared to sacrifice educational program objectives as outlined in Ontario Schools, Intermediate and Senior Divisions guidelines, which is the operating manual for secondary schools, for the objectives of the Catholic mission?

As we move into our brief, I point out that we are going to focus on the effects the extension of funding will have on program and individual student educational opportunities. It is our experience that to offer a full program, one that is encouraged by the OSIS document, a composite secondary school needs at least 1,100 students.

In an appendix in our brief, you will note there is a list of single-school communities. There are 180 in all. Only 26 of those schools have a population in excess of 1,100 as of September 1984. One hundred and fifty-seven have fewer than 1,100.

The issue of program viability, however, is more than just school size. On pages 2 and 3, we have listed the factors that affect school program viability. Probably one of the most essential items is that of location of the school in the community. There are size, the distance from other communities, the local economy, road network, winter conditions and the number of times the school is closed because of local snowstorms. Probably even more important are the local social and ethnic characteristics of the

population. These really drive home and create considerable difficulties.

There are special needs of the student population. Bill 82, which is now in force and clicks in with full majestic size and scope, will affect all of us in September. Add to that the impact of Bill 30 and we create a whole series of special needs. In this province we have a growing number of new Canadian students who likewise have special needs.

### 3:10 p.m.

We will talk more about the OSIS implications later but it has a severe impact on arts, family studies, geography, history and other subjects. It also has had an impact on school organization. The traditional full-year mode we had in the past has given way to a semester format and now influences more than 70 per cent of schools this September. That in itself creates some other difficulties.

Facilities are fairly obvious. School portables are rarely gyms or shops or labs. They are simple classrooms per se and therefore any special facilities required cannot be in portable facilities.

The staff is a concern from our standpoint of the ratio of male to female. I am thinking of the affirmative action mandates and of role models. For example, my own school this year lost two of the math teachers who were female: one to promotion and one to surplus procedures. Those two important role models have now disappeared from my mathematics scene.

Ethnic balance is critical particularly in metropolitan areas such as Metro Toronto. There are increased expectations by various ethnic groups that there be more representation on the teaching staffs of people from their particular group.

Provincial funding has been declining and yet there is Bill 82, co-op education, OSIS and other changes on the horizon. There is a memorandum that has gone to directors of education that changes the definition of a full-time student from 151 minutes to 210 minutes for September 1986. That is going to have an impact on many schools across this province and it will have an impact by exacerbating the situation that occurs with separate school funding.

The question I would ask on the mission of Catholic education is: what is the threshold size necessary to create a new school? At what size do you build this idea into the legislation?

Page 4 deals with program viability and school population. We have set down some numbers that in our opinion suggest a range of options and conditions.

The school that has a population in excess of 1,100 can offer specialized programs. It has the staff to support the subject option because you can pull in sufficient people having a range of expertise and can also support a wide range of extracurricular activities, not only because you have the available staff but you also have the available students to make up the team.

In my own school, because of the change in characteristics of the population, we have four teachers who would love to coach football. We do not have enough students who wish to play football and we have had to set up a varsity squad with a couple of other schools. These kinds of things set themselves in place and as a school gets smaller your range of options on the extracurricular side diminishes.

Below 600, where it is a normal, natural result of declining enrolment, we have developed various strategies to make the best of the situation. Multigrade, multilevel classes are there. Extracurricular activities are severely limited and it is my concern that too seldom we have thought about the student.

I speak as the chairman; I am also a parent. I have a child in grade 13 and one in grade 12. I know what goes on around our supper table in discussions about school.

On page 5, we provide what for some of you I suspect is a time capsule of what took place many years ago prior to all the various modifications that came in education in the last 25 years. It is the traditional program but it was a program that was successful, but successful for a small proportion of the population.

In my own grade 8 graduating class from a rural school, S.S. No. 5, in Toronto township, there were 14 of us who went from that school into grade 9. The fallout was tremendous. Only two of us made it to grade 13, through grade 13 into university and through university, so the program that looked so neat and tidy for 1950 was in reality a very selective one and not within the mandate.

In our brief you have a synopsis of the complications in the setup of the 500-pupil school in 1985. It does not take too long to take a close look at it and begin to realize that with three levels, suddenly you are into a very different scheduling problem, and it never works out as an even number of, for example, 30 students in the basic program. It may be 33, it may be 26, and there is a problem of sizing, as to what is the most effective size. Nothing ever works out smoothly; the point being we have increased the number of

combinations there, which have an effect on staffing.

I refer to the appendix I have provided today simply to point out that between 1950 and 1985, the need for teachers to meet the mandates of OSIS for 1985 would indicate that to handle the same number of students some 35 years later, we would require not 9 2/6ths teachers, a minimum of 11 4/6ths just to handle those three subjects listed. I am sure questions will come in later on other difficulties.

Add to that the special classes that are now mandated, the enrichment classes that must be laid on, and the requirements in special education. Add to that the Ontario Arts Council courses. I simply bring to the attention of the committee that if you add up the OAC courses in the appendix, there are 55. Many of these are new courses, which are now mandated. In other words, we have an enormous amount of change.

The difficulty I would like to call to your attention is that if we did staff a 500-pupil school with 37 2/6ths teachers to meet those needs, we would then have a pupil-teacher ratio of 13.39. The average across the province right now for pupil-teacher ratio is somewhere around 18. How do we fund that extra 20 per cent increase in staff? How do we meet the other things that go on? How do we then come through and provide the options that students require?

All of this pales when one considers the options that are part of the balanced educational program for students in the 1980s. Computer science, law, accounting, business procedures are all courses which are there and which students wish. What do you do if only 10 students apply? Do you offer the course? What about 15 or 20? What happens to the student who wants that course and cannot get it? What is their particular mindset? Both of my children were at their school today to try to get a change because of conflicts in scheduling, and they are at a large school.

What happens if there are too many single-section courses and you begin to get conflicts? You can take only one subject at one time. What happens in the single-school community if a school with a population of 500 is, for the sake of discussion, divided into two 250-pupil units? There is an enormous increase in cost. Who is going to pay that cost? What proportion is going to come from the local municipality? Can they afford it? Do they have the capital?

I would like at this point to turn to some other matters and consider the recent program trends, and I would ask Jack Martin to continue.

3:20 p.m.

**Mr. Martin:** Thank you. In Mr. Putnam's presentation, he has highlighted a number of changes we have been facing in public education over the last few years and are currently trying to deal with. I draw your attention to one of them. That is, the effect that the implementation of the OSIS guidelines has had on the shift in subjects students are selecting. I refer you to appendix F.

For the past two years, we have surveyed secondary schools in the province with respect to the number of students who were opting to take subjects at the grade 9 level. The latest survey was completed in May of this year. As you look at that survey, you can see that in English, mathematics and science there has been a decline of 11.1 per cent. That reflects the general decline of student numbers in grade 9 for those 370 schools.

I also draw your attention to the fact that there has been a very significant decline in the number of students opting to take several subject areas: technological studies at the bottom, and family studies, down 30.6 per cent. If you look at history and geography you can see the effect that is occurring in the social sciences. To get a true picture of that, we are going to have to compare what is happening in grade 9 and grade 10 because of the OSIS requirement in the core component. Business studies is also down by more than 18 per cent.

At the same time, there has been a significant shift upwards in some subjects. You can note a 46 per cent increase in French and also a significant increase, which was a surprise to many of us, in the arts: dramatic arts, visual arts and music. That again reflects the core subjects that are required to be taken under OSIS.

When such shifts occur—and these have occurred over a very short two-year period—many problems occur within the school. Those problems can be addressed if you are in an expanding system. You can go out and hire teachers to meet your needs.

But what the people at this table are facing currently is a system that is either holding its own or is in decline and is losing teachers. You need to shift to meet the shifts in this table, and at the same time you are losing a mathematics teacher, a French teacher, whatever the case may be.

Turning back to page 9 in the brief, I am going to pick one subject or discipline and discuss it in greater detail. The one we have picked is technological studies.

During the past several years, the enrolment in senior technical courses has been dropping.

When this happens within a school there are basically three alternatives, and I think you heard them earlier today. You can cancel the course, you can combine two grades into one or you can run the course with a very low enrolment. Appendix F illustrates that, owing to a combination of decline in enrolment and OSIS, the number of students opting for grade 9 technological courses has declined by almost a third. Therefore, the base from which we are drawing students for senior technical courses is rapidly eroding.

In our opinion, unless steps are taken quickly, senior shops will be closing across this province; and once they are closed, it is very doubtful they will ever be reopened, as the delivery of technological subjects is a continuum from grade 10 through grade 12. In other words, you generally enter machine shop in grade 10 and continue it into grade 12. If grade 12 machine shop has been closed, students are not going to opt to take machine shop in grade 10. You will be quickly closing machine shop.

Without discussing in detail the problems this creates, I would like to mention one: in the case of technological studies, the teachers who are currently teaching in those subject areas are not qualified to teach outside them. We therefore have a new problem.

It is obvious that even without the advent of Bill 30, technological education is rapidly approaching a crisis. The Ministry of Education has recently recognized this and is requiring all school boards to submit a review in early 1986 of their delivery of technological education. As our schools become smaller in student population, both public and Catholic separate, it is also obvious that courses in this discipline will be so seriously affected that we question the ability of boards to continue to offer a viable technological education program.

I have attempted to show you some of the problems that are currently occurring in technological education. Other disciplines, such as family studies, business studies, social sciences, foreign languages and possibly physical education at the senior level, may also be affected in similar ways to a varying degree as the Ontario Secondary Schools, Intermediate and Senior Divisions guidelines and Bill 30 are implemented. To attempt to offer a broad program to meet the needs of all students is a very complex problem in normal times. When one adds to that the shifts created by OSIS and now Bill 30, some of them become insurmountable and impossible to address.

**Ms. Moore:** I would like to take a few moments now to look briefly at some of the staff considerations that should be addressed as well when we are considering separate school funding. As you well know, the effectiveness of education is constantly addressed by all segments of the public. Not a day goes by where the media does not have an article on education. Our local papers particularly address education frequently. We are also judged through our own school systems and in the community, and constantly at the dinner table, as Mr. Putnam mentioned earlier. You hear conversations going on in your own homes, and the teachers are being judged at that particular time.

We feel the most important part of that public judgement is through the student. The importance of the teacher in that educational process and the progress of the student cannot be underestimated at that time. Therefore, any major reorganization, such as separate school funding, is going to be very difficult if it fails to consider the impact that it will have on teacher effectiveness. It is doomed to create many problems if we do not take those points into consideration.

As you well know, secondary school teachers in Ontario have been bombarded with many changes in the past decade. We had OSIS just recently, with its new requirements, and we have had the introduction of 55 new Ontario academic credit courses. There is a requirement that every teacher be a guidance counsellor now as well. There is an expectation there. The language across the curriculum program has caused many changes, too, in the structuring of the courses in curriculum.

There is also a need for new teaching techniques, and that is good. It is not a criticism. It is something that is important and it occurs, but it is an additional change and it has to have time spent on it, work spent on it and a lot of consideration given to that change. Computer literacy had also caused a great change in the technology, in the way in which teaching occurs.

In short, prior to June 12, 1984, education in Ontario was already in the throes of a great upheaval. We are now adding to this the decline of enrolment in the schools and the student shifts that will be brought about by separate school funding. There is evidence of the stress and strain coming from all these many changes that have occurred just recently and throughout the past decade. We see an increase now in the use of the assistance programs that are there for the teachers. There has been a great increase in the

need for those programs by the individual boards.

We also see an increase in people involved in the disability programs and plans that are available. Those are all indicators of some of the stress that is occurring now. The rate of change has already created some major problems with the shifts in program. We have seen at the senior level a great increase in students taking law and accounting courses. Teachers have to be trained quickly into those areas. At the same time, because of the economic situation and the social acceptance of certain programs, we have seen some declines as well. There are declines indicated now in the family studies area and in the technical areas.

We have seen in the French teaching area an increase of 57 per cent in the number of teachers needed for those programs since the advent of OSIS. Those teachers are now in place in the schools for the grade 9 program, the first-year program, but what happens as we go into a further decline of enrolment? We have many highly qualified teachers available who will not have courses to teach because of the variety of shifts that will have occurred.

**3:30 p.m.**

All those factors have an impact. Teacher expertise is a concern. Teacher morale is very much at risk now and all of those factors have an impact on students in classrooms. We need decisions that are clear, definite, fair, just and equitable as far as the students, teachers and public are concerned. The public provides the financial support for these programs.

In our view, teachers have earned the right to all the professional considerations we can offer, but they also deserve very clear and continuing protection in the event of any changes brought about by Bill 30. Clear, positive steps must be enunciated by the government to alleviate the problems created by the changes to the educational system which have occurred in the last five years.

**Mr. Putnam:** I would point out that positions of added responsibility are an issue which one needs to address because, if the public system declines or the decline is accelerated, there will be an administratively top-heavy public system which will block the higher positions, in effect, and younger teachers will perceive there is little or no opportunity for professional advancement for the next decade or two. I think this is another area in which there is considerable concern.

However, I would respectfully like to direct the committee to consider our recommendations

because, as much as anything, they are based on the interests of students and their programs. I would like to call certain attention to a particular one.

We know the planning and implementation commission has a role in our recommendations 1, 2 and 3, but we request that legislation include specific safeguards to protect educational opportunity for all students in single-school communities. I suppose a rule of thumb might be that any community school with fewer than 900 students should not be touched, and build that safeguard in, but specific safeguards should be put in place in schools with a population of under 600 students. Further, the legislation should require a minimum size and program for the creation of any new secondary school. The viability of schools applies to both sides.

We also request that the legislation include the possibility of closing newly created publicly funded separate schools in which a viable program cannot be supported. In the long run, that would be cheaper for the government than to continue it.

Legislation should include the possibility for a unified school board at the secondary level. Some communities may need this at the very least in order to be able to co-ordinate their very limited resources, and we have to remember resources across this province are variable.

We suggest the social development committee recommend to the Minister of Education that the OSIS document be re-examined in the reality of the extension of funding. I pose this interesting cross-statement. If Bill 30 had taken place in 1980, I am quite certain the OSIS document would be very different. If we are going to have the reality of extended funding, then we also have to make adjustments in that area.

Finally, we ask that the legislation should provide a comprehensive program for teacher retraining and in-service training and the funding of initiatives to encourage and assist early retirement for teachers. For instance, age 55 might be the point at which one could retire from the teaching profession, at least for the next few years, so that we can get ourselves over this hump.

I would like to thank the committee for this opportunity to make the presentation.

**Mr. Chairman:** Thank you for coming. Your very interesting analysis and recommendations have already generated four questioners, so I might as well get started on them.

**Mr. Jackson:** I want to compliment this group for perhaps one of the most concise briefs on the

whole issue of viability. I am not the least surprised that we had to go to our principals and vice-principals to get that badly needed information. For those who have been watching the course of these deliberations, we have been struggling with this and you have been able to pinpoint that very well.

I am concerned about recommendation 5, where you indicate the possibility of a unified school board. Are you aware that one of the drafts made reference to the concept of a consolidated school board? Without getting into semantics, suffice it to say that the concept of a consolidated school board does not go nearly as far as that of a unified school board. Would you support something that does not go quite as far as this? That question is for any one of you.

**Mr. Eaton:** We have looked at it and we have looked at all the suggestions in the various briefs. As has been pointed out by some committee members, there is a lot of variety out there as to what people think a unified or consolidated or amalgamated school board is.

We have looked at one idea with the directors of education. The directors have been looking at the idea of a kindergarten-to-grade-13 board. Our position is that one at a secondary level might be more viable. We understand, for example, that for Wentworth and Hamilton an overview board might be effective.

There may have to be one or two models. We envisage one where the board of trustees would be elected by various means to ensure the francophone and the separate school community some rights on that board. Underneath that there would be one director of education and underneath that the various constituent necessities would be taken care of to look after that board. Ours is very specific from that point of view, but from the general point of view, our suggestion would be that it is a very complex question, the type of thing a royal commission might look at.

We would like to see a unified school board. We know there would be difficulty in getting agreement on what it would be, but at the very least the legislation should allow for the possibility. Perhaps this committee should consider recommending a further study of possible models of unified school boards across the province.

**Mr. Jackson:** You made reference to a specific area of staff impact in a school with compounded declining enrolment, that is, positions of responsibility within the public system. We have heard a lot about access to promotions once there is a crossover. Perhaps we could explore that area a bit.

Do you support the concept or do you have a recommendation for us as to how we can rotate positions of responsibilities in a declining enrolment situation? That is the challenge you have laid down in your brief. You have suggested early retirements as one mechanism, but they come at great cost and they do not necessarily net out full advantage to the student. They do develop a rejuvenated and motivated teaching force, but they are not student-related expenditures.

Have you any suggestions on an approach other than the standard battery of early retirements? I am thinking of term appointments, but that is a loaded gun. We tried it in Halton. Betty can attest to that.

**Ms. Moore:** It did not last.

**Mr. Jackson:** It did not last. I did not support it either.

**Mr. Putnam:** For most positions of responsibility, an enormous investment is now laid on individuals in respect of necessary courses and requirements to gain the specific pieces of paper, a principal's certificate and so forth. Rotation would not necessarily encourage all the people whom you would like to do it on a temporary basis to make that sacrifice.

There is another difficulty, that is, the loss of expertise if you cycle people in and out. That is true whether it is within a school organization or a committee. A floating population and a periodic turnover are not necessarily good things. There is a lack of continuity. Our position would be that, creative as that might be, it would not really solve the problem. I do not think it would solve it from the students' standpoint.

**Ms. Moore:** If I might add to that, that experiment was attempted, as you said. In the process we also found a difficulty with the time line. You need a fairly long time line in order to have that individual impact on the particular character and nature envisioned for those departments; so there is another problem. Time line itself negates some of the opportunities we would like to see occur for positions of responsibility.

**Mr. Jackson:** I have a quick question on the apparent pull between your recommendations 2 and 3. We have not heard much about this concept of a minimum size or criteria for any new capital construction. I do not want to lead you, but I think it is fair to say you are talking about new Catholic schools in this province; at least, that would be the large majority of cases because of their expanding system.

You helped us with viability and setting certain standards, and I appreciate that, but can you tell us, should the legislation address the point at which the public schools should cease to be viable? If we are going to set a minimum standard for the construction of a new school, surely we must be able to address the issue of a standard of student enrolment where a school would cease to be viable or would be too expensive to operate because of your recommendation that one give all the programs protection.

3:40 p.m.

**Mr. Putnam:** Perhaps I can take that one step further. For a single school community, you may have a smaller school size because it is the only one in town. To close it would mean students would have to travel, let us say, 50 or 60 kilometres, spending several hours on a yellow bus. At that point I think you would have to say there is too great an additional cost in human time and transportation costs. There is a balance. One could say that for the viability of that sort of school there is a different scale.

One might well say that within a metropolitan area a school of a given size could be closed because it could not meet the program. I suspect in a metropolitan area it would close anyhow. It would be unable to offer the options and there would be a continuing spiral downwards. That mechanism would be self-prophecy.

However, I submit that for the small towns of Ontario, where there is only a single school, to legislate, "Bang, you hit 200 and you are gone"—how do you meet the services for that group of students if the problem lies in not splitting it up further, by taking what is a viable unit now, 500, and dividing it in half and creating two totally inefficient schools?

**Mr. Martin:** You recognize there is a very difficult problem with that now in such areas as Peterborough county, Hastings county and even the city of Ottawa. What you are doing with this legislation is expanding that problem significantly.

**Mr. Jackson:** Is that not something of a catch 22? You are recommending we set a standard for new construction that will somehow effectively slow the departure of Catholic students, when there is an expectation in the community that a Catholic school will be built, when they are currently operating with 16 or 28 portables, which is not terribly uncommon.

**Mr. Putnam:** Perhaps I can react to that. That is not what we said. We said there had to be a minimum size and program for the creation. If

the Catholic school has 16 portables, it is probably already a viable operation. The concern would be setting one up in more remote areas. From my travels across the province and my discussions with people, that is where I sense the real problem lies.

**Mr. Jackson:** Setting up a Catholic high school in an elementary school is totally unviable in a small community.

**Mr. Eaton:** I do not know whether this will help. I think recommendation 3 could really be read together with 1, and 2 and 3 together. That is sort of the flipside of that.

**Mr. Chairman:** I think it is fair to say the committee has been looking continually at that problem around the province. It needs any help it can get to ensure that sharing takes place and that we do not lose viable schools.

We have Mr. Offer, Mr. Davis and Mr. Allen.

**Mr. Offer:** Thank you. I think Mr. Davis was soon going to bring up the problem of viability with respect to the numbers that had been proposed and I would like to carry on from Mr. Jackson. If I understand you correctly, you have given fairly specific numbers as to what is and what is not a viable school. I am wondering if you can give us, from your experience, a sense of what might be the reaction to those particular numbers.

In schools we have seen in the Ottawa, Thunder Bay and Sudbury regions they have nowhere near that number. We have heard some fair proposals that they feel they can still provide a viable type of program. I would like to get your ideas as to how this definition might affect other regions, as opposed to highly-populated regions.

**Mr. Putnam:** I will start, if I could. Thank you, Mr. Chairman.

The number below 600 is simply to indicate to the committee that there is a grey area there. That 600 number is a benchmark, in our opinion. In the material which we worked out, we used 500 to illustrate situations. I would suggest that if a school is trying to provide a breadth of program, they will not be able to meet all those conditions which are laid out by the Ontario Schools, Intermediate and Senior Divisions guidelines and satisfy the manifold needs of that population if it gets smaller and smaller.

I was a product of the elementary school system, the old rural two-room school where we did grades 5, 6, 7 and 8 together. I survived quite nicely, thank you. I am not criticizing it, but it was a different time. What we are dealing with here is secondary school where the program

demands and the complexity is much greater than it was back in the halcyon days when the Tennessee Waltz was number one on the hit parade. Conditions have changed. We are now into Bruce Springsteen.

**Mr. Jackson:** Somebody's the boss.

**Mr. Chairman:** Certainly not the chairman.

**Mr. Putnam:** We can continue to deliver the breadth of program if you, the government, will increase the amount of funds you are giving us. That was pointed out in the other example. I do not know whether you can do that. Secondly, remember this is a shared responsibility between the province and the municipalities. Are the municipalities prepared to increase funding in order to maintain the breadth of program?

**Mr. Offer:** To carry on, do you have any idea of the effect on enrolment that may be caused by the implementation of full funding, as opposed to, and totally distinct from, natural declining enrolment?

**Mr. Chairman:** Including OSIS, I presume.

**Mr. Offer:** All right.

**Mr. Putnam:** I call your attention to appendix F. You will notice that the core subjects such as English, mathematics, and sciences are all down by 11 per cent. That indicates a two-year shift in enrolment projected for September 1985.

The provincial prediction is five per cent. There is a large disparity between five per cent and 11 per cent. We cannot prove it yet because September 1985 has not materialized and all the students have not walked out of the classrooms, but our feeling is that there has been a decline in public secondary enrolment at the grade 9 level of that order of magnitude.

The difference between the five per cent and the 11 per cent is six per cent. That is a ball-park figure. I will know better on September 30, or later, when we get—

3:50 p.m.

**Mr. Chairman:** If you are lucky, we will still be holding hearings at that point and you can come back and tell us what you found out.

**Mr. Putnam:** I do not envy you here.

**Mr. Martin:** Coming back to our first three recommendations, it obviously varies from community to community. If you have a single school of 750 students in a community, in one community that could break to 400 and 350, in another one it could be 250 and 500, so you have to look at the individual communities to answer your question.

**Mr. Offer:** With respect to appendix F and in particular technological studies, because you did bring that forward as a specific example, can you tell me whether there is computer training in that classification of technological study?

**Mr. Martin:** No, I do not believe there is.

**Mr. Offer:** Where is computer training in these lists of subjects?

**Mr. Martin:** Because this is grade 9 only, very little computer training is included there. However, I point out that many students in grade 9 are taking typing in order to get their keyboarding skills in sufficient degree that they can handle computers. We think the decline in business studies would have been greater other than for that fact. About the only place you are going to see computers affecting the figures here is in business studies.

**Mr. Offer:** My concern is, when one takes a look and zeroes in as you have on technological studies, it seems to ignore that in the minds of the students in 1985 is the fact they ought to take a look at the computerized area, the high-technology area, as opposed to our technological or shop area. That is not to condemn the idea of going one way or the other, but to indicate there are certain realities.

**Mr. Martin:** That is one of the reasons why the shift is occurring, yes.

**Mr. Offer:** That is in fact one of the reasons?

**Mr. Martin:** It could be one of the reasons.

**Mr. Putnam:** On the other point you have raised, the computer technology, the computer-aided design and computer-aided manufacturing and so on, the point also should be made that in order to have those kinds of programs in place, it is necessary to have a slightly larger school and one needs phenomenal amounts of capital to put them into operation. Where those programs have been put in place in schools of 1,500 to 2,000, the enrolment in that component of technology, computer technology, has skyrocketed, but only a few schools have been able to do that. Even a 1,000-pupil school is going to have difficulty in that area.

**Mr. Chairman:** Mr. Davis, I know most of your questions were taken up already, but I am sure you can come up with something.

**Mr. Davis:** I have discovered some new questions. I would like to say, first, that there is an increase in young people taking computer programs because they recognize that is a field of endeavour they can move into when they graduate. Also it helps them to write their essays.

**Interjection:** Word processors.

**Mr. Davis:** Word processors, right.

One of the questions that came up while we were in Windsor, that our education critic and our party became acutely aware of, was the problem of the single-high school community. We will be placing some amendments to Bill 30 to ensure that those schools are protected and remain. But in your first recommendation you state that legislation should include specific safeguards. Could you expound on some of the specific safeguards you would like to see included in the legislation to protect the educational opportunity for all students in the single-school community?

**Mr. Eaton:** One of the things we have to point out is that when we struggled with putting together pages 2, 3 and 4, we did so in the context of the Windsor discussions you were having and the difficulties you were trying to get a handle on there. We also knew in our own hearts, as we put these figures together, that as soon as you put specific figures, you turn the tables and you then become vulnerable. We would like to keep you vulnerable rather than us and you understand that.

**Mr. Chairman:** It is funny the way that works.

**Mr. Eaton:** That is right.

We are not totally devoted to these specific figures, but we are devoted to the idea which is on page 4. There are broad bands there which say something about program and the viability of program in those areas. Because of the individual community areas or the factors affecting schools, I would not want to put that down in stone; I do not think you are going to put it down in stone, either. But there should be a process—it might be with planning and implementation—that within these bands certain criteria would have to be looked at, a process would have to be looked at before you make those moves.

I do not think we are married to 600 or 599, but we did feel that those pages should be put forward to you, because we saw you struggling with them and we took that up as one of our contributions to this discussion to try to get some benchmarks. But that is all they are, and we would see a process looking after that within those broad bands. But the criteria for the broad bands might be quite different.

**Mr. Davis:** I appreciate that and I certainly appreciate your attempt to define for us, even though it is in figures, what you believe would be a program and school population viability.

It is interesting that you used 500 as your base, because in Ottawa one of the separate school principals before us who has been teaching for over 30 years indicated that 500 was a magic number for her as well. I think it is important that we as a committee wrestle with that to ensure the viability of the program applies to both sides. I think that is extremely important in the light of the aspirations of both the public and the separate school.

One of the other questions I have has to do with teachers' qualifications. Is a family studies teacher qualified in other subject matters as well? I know a technical program person is not, but what about a family studies teacher?

**Mr. Martin:** It depends upon when the family studies teacher became qualified. There is a vocational certification for family studies teachers, and some of those teachers may not be qualified to teach in other subject areas, but those who have degrees I would say generally are. In my opinion, the majority of family studies teachers are, but a significant number are not.

**Ms. Moore:** I would just add to that simply the other subject areas they might likely go into. They could go into mathematics, and you will see many family studies teachers in the social sciences as well. Those would be the two main ones.

**Mr. Davis:** If you had a teacher who was qualified on a vocational certificate and therefore did not have any other qualifications, but because of his relationship with the principal in the school he was allowed to teach English, would that person now be qualified to teach English if he had been teaching English periodically for the last four or five years?

**Mr. Martin:** No. Not under the terms of the present legislation.

**Mr. Davis:** My other question is this: I understand that the transferring of staff may be done on the basis of volunteers moving across. We have a math teacher who has been teaching math for eight years. The separate school coterminous board is seeking a history teacher, and that math teacher's option is in history. In your opinion, is he qualified to go across?

**Mr. Eaton:** If it is on his record card, if that is his qualification—

**Mr. Davis:** Yes. I am asking the qualifications; that is all I am asking.

**Mr. Eaton:** If it is on his record card, then he is qualified.

**Ms. Moore:** The grade level he can teach may be affected, however.

**Mr. Davis:** Yes, but I am assuming he has an intermediate senior certificate and therefore can teach grades 9 to 13.

On that same thread, you now have two teachers who will volunteer to move across the system. There is the teacher who has been teaching math for eight years and has the second designation of history, and there is a younger teacher with four years of teaching history. Who, in your opinion, has the right of transfer?

**Mr. Putnam:** For clarification, have either of these individuals been declared surplus?

**Mr. Davis:** They are both declared surplus. I have to make that assumption when dealing with it. I want to try to follow where I think this piece of legislation is ultimately heading. The position has been declared in the separate school coterminous board. It is a position for a person who has history qualifications. These two persons currently on the secondary public panel indicate they would be willing to transfer over.

Can you answer that? If you cannot answer the question, it is okay. I will wrestle with it.

**4 p.m.**

**Mr. Martin:** I would like to comment. We cannot answer that question. In this brief we have attempted to stick with demonstrating the effect on students and programs in our schools. There are many other issues there, many issues that concern us.

I think what you are going to get into there is an adjudication of who is the designated teacher. That is going to lead then to a grievance, which is going to possibly lead to arbitration, which is going to lead to a phenomenal amount of time on our part to be involved in that process. We are concerned about that as I would imagine you are as well. We have no answers.

**Mr. Putnam:** And incredible legal costs.

**Mr. Davis:** In your opinion, who should have the jurisdiction in deciding which one of those teachers voluntarily moves across? Should it be the public school board or the separate board?

**Mr. Chairman:** Is this speaking straight on qualifications?

**Mr. Davis:** Straight on qualifications. That is what I am speaking about.

**Mr. Eaton:** It should lie with the branch affiliate of which the person is a member and that board. All the legislation talks about the board but does not talk about the branch affiliate. The branch affiliate and its protection of a member should have a fairly strong say in that.

I want to hook that question around a little bit further. You have to get in there before you get to

that one math teacher. This is where we get in the dangerous area and it has been pointed out to you before.

You are opening a new school at the secondary level in a community and you are going to have 25 positions. All of a sudden this scenario comes out and the separate system says, "We have one mathematics position." You have to ask yourself the question: where did the other 24 fill in from? Why was the question not asked earlier? Why is the principal not one of them? Did they come from the lower level and are they hiring now at the elementary level?

I agree with your question. It is a good one but it is very particular. I would like to get around that up front. Those agreements up front have got to cover that waterfront before you get into it. If you do not, then your question comes up. In my view, your question should rarely come up.

**Mr. Allen:** Thank you very much. I will echo the comments of previous members with regard to the nice focus of the submission. It helps us greatly with one question in particular that Mr. Eaton has noted as he followed us from place to place, here and there. It has come up with astonishing regularity.

With regard to the viability question, we were struck, for example, in northwestern Ontario with the number of separate boards that simply recognized the realities of life, saw where the best educational options lay and were not prepared to violate what they considered to be the clear criteria of viability. I thought that was very heartening and I am sure it was to you too.

Likewise, I was going to ask you what measurements you would put on all these specifics you throw into your basket when it comes to viability. I was glad to see you were proposing them not as single determinants that should have tight measurements but with regard to their interplay and how they apply in local community contexts to everybody's best advantage. I am very glad to hear that.

You have raised, as so many have, questions of early retirement and funding levels as being critical in this whole transition period. This week I am presenting a motion. My fellows have heard this several times from me, but the motion is coming with respect to a supplementary report. This committee should deal with a number of the issues around the margin of Bill 30 and the whole funding operation, questions of early retirement and viability. You may have raised another one, review of the Ontario Schools, Intermediate and Senior Divisions curriculum guidelines, perhaps

as it relates to the whole question. There are a number of others we should go into.

Specifically, first, I know you did not want to spend all your time on the protections of staff, but you did say teachers and staff deserve full protection under Bill 30. Could you hazard a general opinion as to whether you think, on balance, the protections envisaged under Bill 30 are adequate and if not, where you would like to see them amended or the direction in which you would like to see them move?

I heard one a moment ago for the designation process. Is there anything else?

**Mr. Putnam:** To comment at the beginning, probably one of the worst things is the fog of Never Never Land at the present time as everything sort of swirls around. This is one of the most debilitating things on the teaching staffs. It is a morale problem. As this continues to swirl where there is really nothing definite out there—that is, they know it is happening but no one has a real handle on it—this will be probably one of the worst things going on at the present time.

The process must be defined so that you have a little understanding, and the process should be defined so that the designation occurs much earlier in the process than in the situation suggested earlier, because that would be the worst of the scenarios. Personally my concern was the impact on the staff and how that would affect their relationship with students. In order to teach effectively, you have to feel good about what you are doing and how it is valued and so on. There is an enormous amount of giving; the reason many of us are in the teaching profession is that we want to give of ourselves in service. If that is not perceived as being worth much, it affects your output and it affects your relationships with students. I see that as a clear item.

In regard to saying you do this, this and this, I will be honest, I have not thought this through that far. My concentration is in the other direction.

**Mr. Chairman:** Would anyone else like to add anything?

**Mr. Eaton:** The OSSTF brief addressed this, and I think one of the things that is coming out in a number of briefs I have read is the idea of secondment and the idea of having some reversibility built in. You have our other points with regard to protection of salary, fringe benefits and early retirement, that type of thing.

The secondment idea is probably a good one, but the area that gets left out again, and I refer back to Mr. Davis's earlier comments, is how

early you get a chance to say what the structure of that school would be like and to look after that staffing. If the implementation commission or whoever is looking at it gets in early enough, I suggest that could solve a lot more problems than if they get in late. If they get in late, it is going to be the scenario that was pointed out.

**Mr. Allen:** Secondment has been coming up lately in our discussions with increasing frequency. So has the concept of conscientious objection with respect to transfer. I presume that would meet with your approval.

Since you represent supervisory personnel in particular, are there any areas where the protections are or are not adequate? In the Kingston-Ottawa area on the separate school side we have had a good deal of reference to that level of transfer from their side with respect to their notion, the idea whether supervisory personnel from the public system can perform effectively in the separate system, given the distinctiveness of the mission.

I wonder, from your side, if you have a view on that, if you perhaps have some familiarity with the separate system and your own sense as to the kind of roles you can play. Are there any specifics with regard to the supervisory personnel and the transfer provisions where you would like to see some more protection?

**Mr. Eaton:** I will answer it, since I am not a practising principal. I can answer for these people.

**Mr. Chairman:** A bit of purity here.

**Mr. Eaton:** Yes, purity here. We were a little concerned at first, when the word "teacher" was used, whether the word "teacher" in fact would encompass all teachers, because principals and vice-principals are principal and vice-principal teachers, and we saw fairly quickly that it likely would not.

Again, coming back to that scenario that allows you to build your school in time, if the opportunity were there for principals or vice-principals or heads who voluntarily want to go across, that would help alleviate some of the area. I do not know that they are looking that hard at that area, but there are in some areas, for example in Simcoe county, a number of people who could go across. That is assisted if that is built in. Whether you can build it in directly or not, I do not know. I have seen a number of memoranda which would purport and allege to say that you will probably need to have some sort of certificate in religious education if you wish to be in a position of added responsibility in the

separate system. Obviously that would swing back.

Our first position, I guess, was that everyone who is trained well to run secondary schools should have access to the job. We understand some of the reality and some of the things that are out there that might limit that to people who (a) were of the faith and (b) had that religious education course.

We understand the limitations but, again, coming back to that scenario as this school expands or opens, if that is an open process at the beginning, there is more of a chance of placing people in positions of responsibility and teaching positions, than if it comes at the end of that process. It is really a critical point and a difficult one to address in the legislation. I think it has to be addressed through the planning and implementation commission.

**4:10 p.m.**

**Mr. Allen:** I have one last question. It has to do with the discussion of technical courses, technical enrolments and the future of technological education. It has been raised in a number of ways in our hearings, partly in terms of the capacity of the separate system to house those programs, given their extreme costs and the limitations of ministry funding for them.

Perhaps, as principals, you could give us some sense as to what you envisage the new computer-aided design, computer-aided manufacturing, high-cost, high-tech stuff is going to be in the schools in the future. Is it within the capacity of the system to keep up-to-date with that kind of equipment in schools or is there a totally new delivery system that you are thinking of which is going to move that in a significantly different direction?

**Ms. Moore:** One possibility in a large board would be that certain schools would be designated as having specific equipment. Resources would be put into those schools with those schools designated for students to be transferred into those courses.

**Mr. Allen:** From both systems.

**Mr. Martin:** As you probably know, there has been a revision of technical education curriculum in the province. It is just being sent to schools at present. The first part is out there. It is coming in three different parts. Accompanying that is a memorandum from the ministry which requires all school boards to review their delivery of technical education. Out of that comes the answers to your question.

Personally, I feel we need to retrain our teachers in technological subjects. We may have a perfect opportunity to do that. The community colleges may be entering into a period of declining enrolment. They may be able to run courses of six months or 10 months for technological teachers to retrain them in the new equipment and to have them go out to industry and business in the communities to gain a much better understanding of what is there. Then they come back revitalized and with a much greater understanding and knowledge of delivering technological education. We can maintain it that way. If we do not, in my opinion, in many areas of this province we are going to lose technological education.

**Mr. Allen:** In that connection, is the enrolment in grade 10 tech significantly altered? I ask that because I know the drop in grade 9 enrolments was sometimes attributed to the pressure from the ministry or the advice that went out that students should enrol in their compulsory subjects first. Has it carried through into grade 10 or is there any upturn in grade 10 that gives you any hope?

**Mr. Martin:** I can speak only from the point of view of my school, which is a school of between 1,100 and 1,200 students. Grade 9, over the two years, was down a little more than 20 per cent. In grade 10, we are down 10 per cent. What I see happening is that this will come through and into effect in the senior grade levels, as I described in my submission earlier.

**Mr. Allen:** Is 10 per cent below the demographic decline of the school average?

**Mr. Martin:** Yes.

**Mr. Chairman:** Thank you, Mr. Allen. Any other questions? I appreciate your presentation very much, Mr. Putnam and your colleagues. Thank you very much.

**Mr. Putnam:** Thank you for the opportunity.

**Mr. Chairman:** I expect to hear from you at the end of September with the updated figures and then next year at the same time, perhaps by the time we get to clause-by-clause debate.

MR. EDWARD SHAW

**Mr. Chairman:** Our next presenter is Mr. Edward Shaw. This is exhibit 520. Mr. Shaw, I am sorry we held you up a bit.

**Mr. Shaw:** I heard the guy saying he was 40; wait until he is 80.

Mr. Chairman, members of the committee, I am Edward Shaw. I have been in Canada since 1953. I have been active in the ratepayers

association since 1955 and I have been a ratepayer of East York for the past 30 years. My credentials are mainly those of a frustrated ratepayer, a frustrated voter, who at election time had nobody to vote for. In the interests of democracy, I did vote. I voted for Dennis Timbrell, who has pointed out at this committee that thousands of voters stayed home. I have heard committee members say they stood up and declared their position, that they were for funding, and they were still elected. Who was to stop them? Where would you go if you were to vote against it? The three candidates who were standing were all for funding.

In 1971, I was very active in opposing funding. The Conservative Party gave me a way to vote. I am nonpolitical. I should not say that, because people say I am political, but I am not a politician. I have stood for mayor twice in East York, but that was just to give the voters a chance to vote. People had nowhere to go. I have put forward a brief which is probably the briefest brief you have had.

**Mr. Chairman:** Do not think we do not appreciate it. It is kind of you to think of us.

**Mr. Shaw:** I appreciate this committee. I know how you are fixated on the reasons of your party. That is your word, Mr. Chairman. I heard you using it earlier. I am dead against fixations. I will read this for the benefit of the people in the audience and anyone else who is listening.

Having heard the various representations before you, and not having the benefit of a large organization with access to professional expertise dealing with Bill 30 and its various subsections, I have decided to be short on the written word and expand on the oral. You can appreciate so far that I am good at that.

I object to the extension of funding to the separate schools on the basic principle that it is discriminatory to fund one religion over others and that the manner in which it is being handled politically leaves much to be desired. That is the understatement of the year.

At present, the public school system serves the best interest of democracy in so far as it is open to all and restricted to none. The representative of the separate school teachers' association stated there is a "unique mission" of the Roman Catholic separate schools. Is the committee aware of what that mission is? Can they enlighten me?

The public school system's purpose is to educate, while it appears that the separate schools would inculcate. I am all for education

and do not want to raise the barrier which now exists at the separate schools.

At present, the senior pupils mix freely with their peers in the public schools, giving rise to tolerance that has been evident in recent years in Canada. However, there are those who hate to see virtue thrive and will do all in their power to raise the barrier high enough to keep Canadian children apart.

Going back to the first part, "I object to extension of funding to the separate schools on the basic principle that it is discriminatory," I have been listening to the Pope on television these last few nights telling the blacks how they are being discriminated against. He is against discrimination in South Africa. I am against discrimination in Canada, and the separate school board would discriminate against non-Catholic pupils.

I will go on to the second part. "The public school system serves the best interest of democracy in so far as it is open to all and restricted to none." Here we have in 1985 a system that has been in existence in Ontario for a good number of years. It has been a successful system and we are about to destroy it, because we must destroy it.

**4:20 p.m.**

If you are to give separate schools this extension, how are you going to refuse the Jewish people, Baptists and Jehovah's Witnesses? Every one of these can draw their source of education only from the public schools. What you are going to be left with is not 1985 but 1584. Do you want to talk about Progressive Conservatives? They can change their name to RC from now on. They are not Roman Catholics. They are Regressive Conservatives because they are taking a step back. If Galileo was alive today, he would wonder what was going wrong. He knew what it was when the separate church was ruling the country, and because he said the earth revolved around the sun, it said, "You must be using a different telescope from us because we see it differently." So Galileo then, and Bruno before him, never met with the state.

There is a long history and I do not want to go back too far because I take it you all know your history or you would not be sitting here today. I will be more up to date.

"New book says Davis threatened by Carter," an unknown source said, and then the cardinal hit him with a big stick and said, "If you want to win an election without keeping your word, count on having opposition from every pulpit in every Catholic church in Ontario." Davis just folded like a \$3 bill. I have never seen a \$3 bill so I do

not know how it folds, but I know Davis came back to his party and it cheered.

Why did it do that? Where are all these independent, unique people who stand before the public saying, "Vote for me and I will look after your interests"? Whose interests are you looking after? Are you looking after the voters of Ontario? Are you looking after the Catholic Church? Are you looking after the Vatican, or the Canadians in your own province?

Is it not terrible when ecclesiastics take power over politicians? In the Reformation, we overthrew the divinity to a certain extent. We overthrew ecclesiastic power and a lot of dogma. We replaced it with humanity, politics and science, but now we are taking a step back in time and you are going to hand ecclesiastics the power.

There is another point here. Thank you for your tolerance in listening.

"Ontario envied for the Catholic school system." This is a report of a conference that was held in Toronto two weeks ago. "Malta is opposed to the opening of more Catholic schools and in Spain we experience an ongoing struggle while students, teachers and church groups have had to demonstrate"—in fact, just a minute now till I get this straight.

In France last year, Mitterand tried to close the separate school system. These are Catholic countries and they have had enough. Here you want more of it, in a province that is mainly non-Catholic. Certainly it is a majority among minorities, but that does not give it the right to supersede the majority which is of various ethnic extractions.

I know people were saying they hate Catholics. I do not. Most of my friends are Catholics. It was a Catholic who was jailed in Russia in 1941. He got four years' imprisonment for putting something on a commissar's chin. If he had been in Glasgow, he would have got about 30 days and maybe a medal. The thing is that nobody would take his part. In 1941, in Glasgow it was dangerous to take such a position as I did, namely, that to get the guy out of prison in Russia the seamen would have to stop taking arms to Russia. They threatened to do so and this man got out in two weeks. I always said I was the only man who ever got anybody out of Russia.

My neighbour down below was lying on the floor dying. Who was it who went for the priest? It was my wife who went for the priest to give the lady the last rites. Who was it who represented the neighbours at her funeral? It was I and I was proud to do so because the lady said I was the

only Christian in the area. I have no religion whatsoever and she knew it.

We see "Board Wants the Right to Fire a Teacher" and "Teachers' Union Promotes Hate." The legality of this amazes me. I have been before the courts many times and got pulled off the platform quite a lot, but what amazes me is that I was taught that when a case was sub judice, before the courts and awaiting judgement, all proceedings had to stop until a valid judgement was given from the courts.

What do we find happening today? We find the Solicitor General (Mr. Keyes) or the Minister of Education (Mr. Conway) giving funding to separate school boards right now without the judgement. That is, in effect, contempt of court as far as I understand it. If I had done such a thing and dealt with a case that was coming before the courts, I would have been flung in the hoosegow with no options.

Here we find the highest legal position in the province, the Solicitor General and the Minister of Education, providing funding despite the fact they are awaiting judgement on the case.

Where is this province going? It has been a lovely province. The Tories have had it for 40 years. I do not mind wanting a change. I do not object to that. However, where are we going? Are we going to hand it over to Cardinal Carter? I have as much right to tell the Premier (Mr. Peterson) what to do, although I do not have \$4,000 to give him. I am as much entitled as Cardinal Carter. Because he has a telephone line up to heaven does not mean his judgement is better than mine.

Here we have "Abortion Clinic Foes Ignore Picket Limit." Again, the Solicitor General went to see Cardinal Carter. Would it not be easier for Cardinal Carter to have an office at Queen's Park? It would save him the trouble of running back and forth.

I was just saying to myself the other day that when Davis and Carter had this meeting they must have read Machiavelli before they went in because Machiavelli would be laughing in his beer if he saw what was going on here today.

Loyola said, "Give me a child until he is five years of age and I will have him for the rest of his life." We who understand a bit about psychiatry, and know that if you implant it in the child's mind the heart still beats for the thing long after understanding has cast it aside, must give them due credit. They were way ahead of Freud when they brought in the confession booth and having the child until five years of age.

**4:30 p.m.**

We have given them the child until he is five years of age. They have him at the elementary level. What more do they want? Now they want the child at teen-age because it is at that time his mind is beginning to expand and he is beginning to think on things. He is not concerned with just playing with toys. He is beginning to think about thoughts and they want him back again.

Many of you cannot go back as far as I can. I am over 80 now. In recent history, in 1936 and for the next decade and prior to that, we saw the advent of Mussolini, Salazar, Franco and Hitler. Each of these dictators had a concordance with the Vatican. Are we going to lay the groundwork today and tomorrow for a dictator to step in when the material is all ready for him? Is it impossible in Canada? The Social Democrats and the Communist Party thought it was impossible in Germany. The Liberals said it was impossible in Germany. The Protestants thought it was impossible in Germany, but when the time arose, the man was there and the church was there to back him up.

Do not think it cannot happen in Canada. In the not too distant past when the emergency powers legislation came into being here, hundreds of innocent Canadians were jailed for stating their own cases, not that they had anything to do with the bombings or the killings, but because they had read their own kind of literature. That emergency powers legislation is still in existence. We must give all due credit to David Lewis as the one man who had the intestinal fortitude to stand up against that act.

Gentlemen and ladies, I come before you in all sincerity. I am a ratepayer and my sole interest is in liberty and democracy. Anyone who is an enemy of liberty and democracy will find me in opposition. I have stood over the years fighting on issues. I do not belong to any political party, secret organization or church and I try to avoid fixation. I am my own man and I am speaking as my own man.

By hearing me today, you are listening to the people out there who are not as articulate as I am but feel as I do, to the ordinary citizen, the flat-footed, level-headed citizen out there, the voter. But does he have a chance? The politicians and the ecclesiastics have made the decision without seeking the common sensibility of the voters. How are we going to do it?

I know your mandate does not give you the power to rescind Bill 30, but I come here like Marc Antony, not to praise Bill 30 but to bury it. I am not interested in amendments to Bill 30. I am

interested in the abolition of Bill 30 because in the 30 years I have been in Canada, I have seen the kids educated together as Catholics and Protestants. I saw it in Glasgow when the Billies and Dans met with their razors out, the hatchets out, the boots out and the blood-strewn streets. I have not seen that in Canada and I do not want to see it.

I say it is up to you Canadians—not as Roman Catholics, but as Canadians, as Canadian Catholics—to stand your ground and go back into history, understand what is happening and give us, the people, the power of the people—not the power of the papists, or the hierarchy or the power of the politicians, but the power of the people—a chance to speak. I am quite sure Cardinal Carter knew that if there were to be an open vote on it, it would be defeated. That is why he showed the big stick to Bill Davis.

Thank you, gentlemen. I trust I have made myself clear.

**Mr. Chairman:** I think you were definitely heard, Mr. Shaw. We appreciate your coming. A lot of individuals like you have come and taken the opportunity to use their democratic rights to try to affect the process. I think that is important for you to do.

The great Glaswegian accent reminds me of my grandmother and grandfather. I think we should set up a speakers' corner in East York. It would be used more than the one in Ottawa for sure.

**Mr. Shaw:** I was one of the best in Hyde Park. You can be assured of that.

**Mr. Chairman:** I am sure you were.

Are there questions by any members of the committee?

**Mr. Shaw:** If there are no questions, I take it you agree with me.

**Mr. Chairman:** Silence always means consent, I am sure. Thank you for taking the time to come before us.

**Mr. Allen:** Mr. Chairman, I would just like to tell Mr. Shaw that when we were in Thunder Bay—I think you would be interested in knowing this since you placed a great deal of emphasis upon the importance of liberty—a separate school trustee came before us to argue his case, and he had a whole lot of ribbons across here. I asked him what the ribbons were for, and he said, "I won those fighting for liberty."

**Mr. Shaw:** There is an old, old Jesuit saying, "We will accept your liberty under your system, but when it comes to the others, do not expect it from us."

**Mr. Chairman:** Thank you, Mr. Shaw.

Our next presenters are from the Ontario Jewish Association for Equity in Education of the Canadian Jewish Congress.

I am glad you have come. I am sorry we are running a little behind time. I notice you have been here and thoroughly entertained, I am sure, up to this point, but now you get your shot. Perhaps you can introduce yourselves so we can get your names for Hansard and then proceed through the brief.

## ONTARIO JEWISH ASSOCIATION FOR EQUITY IN EDUCATION

**Mr. Segal:** My name is Murray Segal. I am chairman of the Ontario Jewish Association for Equity in Education, which simultaneously is a committee of the Canadian Jewish Congress, the representative body of the Jewish community in Canada, and also represents a federation of the province's 20 Jewish day schools with an enrolment of some 8,000 children in the day school system, ranging from junior kindergarten through the completion of high school.

Sitting to my right is Rabbi Irwin Witty, the senior Jewish educator in Ontario, who serves as executive director of the Board of Jewish Education of Toronto. On my left is Bernie Farber, who is the staff director of the Ontario Jewish Association for Equity in Education.

It is late in the day. I have been entertained and, indeed, enlightened by hearing the last couple of presenters. I do not propose to take up more of the valuable time of this committee than is necessary to make the points we wish to make. I understand you have a copy of our submission in front of you.

I would like to highlight, first, the main points we make in the submission, then go through and point to some of the specifics in it and perhaps use up even less time than we have been told has been made available to us. We certainly welcome any questions or comments you and the other members of the committee care to make to us.

The first point we wish to make is that as the spokesmen for the organized Jewish community we welcome the extension of funding contained in Bill 30 to the completion of the Roman Catholic separate school system up to grade 13. We understand full well that certain short-term problems and dislocations must be addressed in the interests of the whole community of Ontario, including the students and teachers throughout the province.

We are somewhat surprised at the level of criticism that has been raised against this

extension because, as far as we can see, a lot of the arguments really were resolved back in 1867. Part of the deal that was made at Confederation was that in Upper Canada the Roman Catholics would have the right to continue their educational system.

**4:40 p.m.**

That has evolved over the course of years and until now, prior to the introduction of Bill 30, it covered funding from junior kindergarten up to grade 8 in full and grades 9 and 10 in large measure. Funding is made available to the university system sponsored by the Roman Catholic church as well. What is being talked of here is essentially two more grades, grades 11 and 12, since grade 13 will probably be phased out in the not too distant future.

As I have said, we recognize there are short-term problems and those must be addressed reasonably and adequately to protect the interests of all people. But a commitment was made to the Roman Catholic community back in 1867 and it is incumbent upon Canadian society, Ontario in particular, to live up to that commitment and allow them its funding.

This is in no way different from a similar commitment made in Quebec for the Protestant school system which is and has been for a number of years funded through the completion of high school.

The second point we are making in our submission is that, notwithstanding the fact that it is incumbent upon Ontario society to extend this funding to the completion of high school and that in today's multicultural environment in Canada, we are no longer a bicultural society but rather a multicultural one recognized as such in the Charter of Rights and Freedoms, it is incumbent upon the organized society, namely, the government, to extend similar treatment to school systems operated by other religious-based organizations in this province, bona fide school systems that meet certain criteria with respect to minimum enrolment, viability and accountability to the province. It is no longer tolerable in a free democratic society to restrict funding beyond the public school system to the adherents of one particular religion, namely, the Roman Catholic one.

Nothing in this should abrogate or derogate the rights of the Roman Catholics, but those rights should be extended to other religious-oriented faith communities that have chosen to operate school systems.

A third point we make in the submission is that it is incumbent upon society at large through its

elected representatives to ensure the viability of a public school system for those in society who choose that route. This will now and for a long time to come probably cover the majority, certainly the majority in our community and in most other ethnic and religious communities in Ontario.

But for those who choose otherwise, that is, to have a school system that wishes to educate and inculcate the children in the religious values and practices of their own religion, the opportunity should be given to them to do that and they should not be denied access to public funding simply because those communities did not happen to be here in Canada or represent a significant portion of the population in 1867.

The true test of a democracy is not so much the rule of the majority, which we all accept, but also how that society treats its various minority groups and ensures that no single minority group has rights other minority groups do not have. This is enshrined now in the Charter of Rights and Freedoms and was also enshrined in the preamble to the Ontario Human Rights Code, which recognizes and which starts out by saying it is public policy in Ontario that our residents or citizens—I forget the exact words—are equal in rights under the law, regardless of such items as creed, race or religion.

Our brief also deals with some of the myths and wrongful assumptions that have been bandied about and have found acceptance in certain quarters about the likely consequences of the extension of full funding for the Roman Catholic high school system and similar funding to other religiously-operated school systems.

The theory is fine, but what has happened in other jurisdictions is actually a much better indication as to what is likely to happen in Ontario.

Ontario is, at the present time, relatively unique in the world in not providing public funding for a variety of religiously-based day schools operated by various religious denominations. Most countries in the free world, including the western European democracies; France, England, Australia, Holland, Alberta, British Columbia, Manitoba, Saskatchewan and Quebec, all do—notwithstanding the comments regarding President Mitterrand made by the previous speaker.

Those in the world today that do not provide funding consist primarily of two main groups. The first one is the United States of America, which has a complete separation of church and state. This is not enshrined in the Canadian

milieu. That goes back to the formation of their constitution which is fundamentally different. Except for the United States, a case unto itself, the only other main group in the world which does not provide such funding is the totalitarian countries, primarily those behind the Iron Curtain.

The experience in those countries which do provide funding is that it has not led to the demise of the public school system. It has not resulted in divisiveness among the pupils on the basis of socioeconomic level. In our view, all of the school systems that we are aware of encourage to a much greater extent tolerance for others on the basis of first understanding what your own ethnic and religious background happens to be.

I would like to point out some of the items in the formal submission which you have before you. I am sure all of you read everything you get so it is really not necessary for me to go through it page by page.

The point we are making here is that parents do have the prior right to choose the type of education which is best suited to meet their own perceptions of the place they wish their children to take in the world. That right is recognized in the Charter of the United Nations, to which Canada is a signatory. That right does not have much meaning, in our view, if it is restricted to those who can afford to pay the price; namely the well-to-do who can afford to pay for private schools.

We do not regard our system, nor do we regard the Catholic system as being a private system, but rather part of a whole family of public systems that serve their own particular public. This was recognized by the Fathers of Confederation, giving the Catholics the right at that time. Public education at that time, in most people's minds, extended up to and included grade 8. Today the situation has obviously changed. Certainly from a moral point of view, we believe a commitment was made to Catholics at that time, and ought to be continued. Now we are a multicultural society, it ought to be extended to other groups as well.

We are not prepared to discuss or to make presentations on specific changes that should be made in that bill to protect the interests of the various subpublics, some of whom you have heard from today. They are better qualified than we are to talk directly of those issues; for example, the technological or technical type of education, or things of that nature, and the minimum size of high schools in various areas. Those are serious issues which must be ad-

dressed. We are here to support in principle the extension of the funding through the high school system. The jobs of people who may be dislocated is an obvious and important issue that must be addressed.

**4:50 p.m.**

Our point is that when funding was extended to these other school systems in Quebec and Alberta it did not lead to a measureably significant change in the number of students who enrolled in those systems. In other words, we have already accepted the principle allowed under law that the Jewish community operate its school system for those who see fit to send their children to that system provided that they meet certain criteria in terms of what goes on in the school and that the children are capable of taking their places in Canadian society after they graduate.

To the extent there is divisiveness, and we do not think there really is, it is there in the Jewish school system and it may be there in the Christian Reformed school system and the like. We do not believe, on the basis of the interviews we have done with our parents and on the basis of our own personal feelings, that extension of funding would lead to massive shifts in student enrolments. It has not happened in other jurisdictions and there is no reason to believe it would happen here.

We believe one of the reasons for the outcry against Bill 30 may be because it was restricted to a one-faith community. Now that a look is being taken at it, we think some of the outcry might have been stifled if there had been a commitment that, in principle, extension would be granted to school systems operated by the Jewish and other faith communities across the province.

We trust, in due course, after the Shapiro commission issues its report, and appears before this or a similar committee after that has happened, that the elected representatives of the public at large will hold hearings to deal with that very specific issue. It has not bankrupted the other provinces. The funds involved are significant as far as we are concerned, but as far as the overall educational picture is concerned, they are literally a drop in the bucket in terms of the number of students we are looking at and the costs involved. It is a question of equity and fairness.

Just going through and highlighting the brief, on page 5 we welcome the funding decision. We deal on page 6 with possible discrimination against others, which is there in Bill 30, and we hope it will be rectified in due course through

other legislation that we expect will be forthcoming.

On page 7, under conditions for funding, as far as the Jewish community is concerned, we are prepared to accept the sort of things that have been suggested by others that the Roman Catholic schools should accept, namely, accountability to the ministry, general studies instruction being subject to the supervision of the ministry, the teachers in the general studies department being hired without regard to race, religion, creed, sex and the like, which we already have, teachers holding valid certification, the schools being established for a minimum period of time and being viable in their enrolment. We are not looking for schools to cover two students in some small community.

We deal on page 9 with the myths, some of which I have alluded to. Those myths have proved to be unfounded in the other jurisdictions that have accepted this concept, the five Canadian provinces and 65 countries we have been able to identify around the world. As I have said, in most of the countries in the free world, except for the United States, the elitism argument does not hold water.

I know in the classes my own children attend they mingle with students of all socioeconomic levels, which would not be the case if I sent them to the public school in the area. They know what it means when a child comes to school and his parents cannot afford to provide adequate clothing, adequate shelter and food and adequate psychological backup for the child.

Our schools bend over backwards to deal with the slow learners, the children with special learning needs, the children with special disabilities. We would like to do much more. Unfortunately, we do not have the resources to do as much in the Jewish community as we would like to be able to do.

We are very much concerned, as we have indicated on page 11, that we will be unable to continue doing what we have been doing until now, namely, to have the Jewish community itself continue to fund the costs of education for those who opt for this type of education but are unable to afford the full cost.

The question of divisiveness we have not seen, and it has not occurred in the other jurisdictions. As a matter of fact, some of the most virulent hate propaganda has been fostered in the public school system rather than in the separate school system. We have seen that.

I was subjected to it when I went to the public school system in Winnipeg many years ago. I

still vividly remember a comment from an insensitive teacher at the junior high school when he said, "It really does not matter what religion you are as long as we are all good Christians." This goes on and it still goes on today in the public school system. We are interested in minimizing that, in cutting it down and eliminating it. But in terms of divisiveness, we feel it has not occurred through the separate school system nor through the independent schools that we represent in the Jewish community, or in other faith communities.

The diversity of education is recognized, as I have said, in the Universal Declaration of Human Rights adopted by the United Nations. It states that "the parents have a prior right." Unless there is funding to which we as citizens and the Roman Catholics as citizens contribute, then that right really is a meaningless right, it is restricted to those who can afford to pay for tuition. Right now, as far as the Catholics are concerned, it is those who can afford to pay the tuition levied in grades 11, 12 and 13. As far as the other faith communities are concerned, the tuition is levied from the beginning of the school system through to its completion.

In conclusion, we believe that diversity guarantees or should guarantee every citizen's right to choose the training that parents wish to provide for their children and it is our firm belief that educational diversity strengthens the democratic way of life. Freedom of choice by parents and managers of education is closely connected with, and a direct outgrowth of, religious, ethnic and racial tolerance. Such choice fosters respect for legitimate differences among the various groups which form the matrix now of Ontario society.

That is our submission on Bill 30 and I thank you for the opportunity of being able to make this presentation.

**Mr. Chairman:** Thank you, Mr. Segal. It is an interesting presentation. I already have questioners on the list wanting to ask you for clarification and further information.

I would just say that some of us, now knowing how long our hearings are likely to go on, tend to react viscerally to the notion that we might have to deal with the Shapiro commission as well. Anything you can do to have that directed to another committee we would appreciate a great deal.

**Mr. Offer:** First, I would like to congratulate you on the brief and the direction it takes. As you may have surmised, some people who oppose the extension of funding, do so on the basis that it

may invite other religions to have publicly supported schools also. In fact, for the *raison d'être* of your particular brief.

I would like to ask first a question of clarification. You allude to the experience in other provinces. Can you give us some sense as to what the experience has been in other provinces with respect to the public funding of different religious schools? Can you tell us how that might have affected the public school system in other provinces, if you have those figures at hand?

**Rabbi Witty:** If I may just respond to that. We do not have the data with us, but there was a study done by Alberta applicable to their own schools. The shift in students from the public school system to any of the other private school systems or the Catholic schools as a result of the funding having been introduced, particularly for the independent schools, was minimal if at all serious in any way.

I also can tell you in a very general way about the Jewish schools in Quebec. When funding was introduced for the Jewish schools there was the impending concern that this would mean a massive shift of Jewish students from the public system and the Protestant school board in greater Montreal where most of the Jewish youngsters were involved. The concern was that once funding had been introduced to the Jewish schools, there would be hordes of students transferred into the Jewish school system. In fact, nothing of the sort transpired, to the great dismay of the people who were arguing for funding based upon the argument that once there was an equalization of educational opportunity in a financial sense, there would be opened up the possibility of a great many more Jewish parents opting for sending their youngsters to a Jewish school system. That did not happen at all.

5 p.m.

I underscore the fact that the reaction was dismay and I might even say that for some it was shock. That has remained pretty well the pattern.

I suggest more has probably been done for enrolment in Jewish schools in Montreal as a result of the French requirements that were introduced, including the fact that youngsters whose parents were not educated in English in the province would have to be educated in French. That has done more for the Jewish schools in terms of enrolment than anything in the way of funding.

Of course, many parents who come into the province and want their youngsters educated not only in French but also in English have in the past

several years opted for the Jewish school system, but not in great numbers. That is documentable material and if the statistics are really pertinent, we can dig them out.

**Mr. Farber:** I should also mention that in April 1985 the former superintendent of independent schools in British Columbia addressed a meeting of the Ontario Association of Alternative and Independent Schools. He pointed out at that time that in British Columbia they have had funding for their independent schools since 1978 and there has been no indication of a proliferation of independent schools in BC. Our feeling is that in terms of funding schools here in Ontario, the pattern would pretty well remain the same.

**Mr. Chairman:** Mr. Offer, do you want to try to get this material or do you want to wait until the Alberta and Saskatchewan people come before us?

**Mr. Offer:** I think we might want it.

You indicated that according to your calculations, approximately 8,000 students are now enrolled in some form of—

**Mr. Segal:** In the Jewish day school system.

**Mr. Offer:** Have you any idea of the number of Jewish students in the public system?

**Rabbi Witty:** Regrettably, no. We can probably guess at ball-park figures based on census figures broken down, among other things, according to age categories where there has been an identification by religion. We do not have those statistics because in the public school system they are not identified by religion.

**Mr. Offer:** You do not know what the true effect might be in the event of funding for independent schools.

**Rabbi Witty:** If Quebec is any sort of guide, I do not think it is going to be a very serious one. I do not want to play prophet and it would be foolhardy to do so, but I suspect we are not going to see any massive withdrawals of students from the public school system.

**Mr. Segal:** By the way, it has been made very clear at the Canadian Jewish Congress level by many people in the Jewish community—it is again difficult to set a number on that—that many Jewish parents support and wish to have their children continue to be enrolled in the public school system.

In terms of what the shift would be, I do not think it is so much a question of the numbers that now are there in the public school system, but rather what has been the experience in other jurisdictions that have done it.

Has there been a noticeable shift in enrolment in the Jewish schools elsewhere? The Jewish school systems have been growing in Ontario regardless of the fact there is a very onerous financial penalty, a double financial penalty, that they must pay; first, through their contribution to the general provincial revenues through provincial income tax, provincial sales tax and other sources of provincial revenue, and through the realty tax, and second, through having to pay the tuition fees that are charged. They are very onerous tuition fees for those who are able to pay.

Nevertheless, there has been a growth in the Jewish school system and I think there has been a growth in certain other school systems as well over the course of the past 20 years or so, certainly during the course of the postwar period, reflecting the acceptance of our Canadian society as being a multicultural sort of thing. In my day, it was almost unthinkable for a Jewish parent to send his child to a Jewish school system. To be a Canadian, you had to go to the public school. We now have accepted that there are many different facets to Canadian society and truly we are a mosaic society rather than a melting pot.

As to what is taught in the public school system, for example, we believe the public school ought to be there. There ought to be a system, but values are going to be taught in that public school system. Those values will reflect the majority values of society. We believe we would like to teach our children similar basic values but with somewhat different emphases than the majority. I assume the Roman Catholics feel the same way with respect to the high school system. That is the time when children are formulating their own opinions on matters and are capable of thinking to a much greater extent than in earlier years.

This is why I believe, as the Roman Catholics believe, they would like to be able to expose their children to a Roman Catholic philosophy in the high school and not have them left with the very elementary view of the Roman Catholic religion and a secondary level of the general views of morality and the like that are prevalent in society at large. We can understand and appreciate this because it is important for the place they are going to take as adults. We feel the same way for our own children.

**Mr. Allen:** It is good to see you again, gentlemen, and have another round on an important subject. It happens that your chief concern is not this committee's, and I certainly hope we are not forced to do double duty and handle yet another commission and its fallout.

We will rest our historical laurels on this one, I think, if we have our choice.

In any case, perhaps I can ask you one or two questions. First of all, am I right in thinking that the British Columbia private school arrangement includes the Roman Catholic schools?

**Mr. Farber:** Yes, that is correct.

**Mr. Allen:** So that is a slightly different case in point in some respects.

**Mr. Farber:** In some respects.

**Mr. Segal:** There are historical reasons for the difference.

**Mr. Allen:** I just want to make sure that my sense of this is correct.

With respect to your observation about élitism, if I might put it this way, some statistics have suggested, it is true, that at least some of the private schools are not élitist in the socioeconomic sense, that there is some sort of rough comparability between composition and population, school to population. Indeed, I think the BC case, although it may be affected by the inclusion of the Roman Catholic schools, is in fact a lower socioeconomic composition than those attending the public schools.

Perhaps you can respond to this, if you might. What concerns some of us somewhat about the private school issue vis-à-vis élitism is that they represent a constellation of energy and commitment of groups in the community that have a major commitment to education for their children that is obviously very high and probably in excess of that of the average public school parent. That is a rash judgement, but I think one has to pour a lot of energy into devising distinctive programs for one's own child, whether you are going to French immersion, the Jewish school or some other individual school.

In that sense, do you have something to say about the observation that this is a kind of élitism and possibly drains from the public system a coterie of the public that would be a real loss to the public school?

**Mr. Segal:** In our community, we have been in the education business—when I say “we” I am speaking historically now of the Jewish community—for about 4,000 years, and intensive education is fundamental to all of Jewish tradition. I cannot speak for the public at large or for other religious communities. I know for a fact that they do have a commitment in this area, but as far as the Jewish community is concerned, many people in the Jewish community are very heavily committed to the public school system and do play a role in the public school system as

teachers, in leadership roles in the teachers' associations, through membership on boards of school trustees and the like.

There are other people in our community who believe very strongly in having not a private school system—we do not like the word "private" because we consider we are part of the system of public schools. Unfortunately, we are privately funded right now, and that is the thing that is wrong with it.

We serve our public. I am most interested, for example, for my own children, in having them take their place as good Canadian citizens, be able to earn a living, be able to get along with other children and have a very high level of tolerance for others—and I make sure this goes on in the classrooms in which my children are taught—and also, at the same time, be part of this continuing thousands of years of tradition. I do not believe from my own perspective that this can happen in the public school system with an hour or two or three a week of supplementary education. Our experience has been that has not worked.

**5:10 p.m.**

I want myself and my children to be good Canadians. I want them to be good Jews and take their place in society, in the Canadian mosaic of society. If you suggest I and others like me perhaps are misdirecting our energies, then so be it, but this is a free, democratic society. I and others of my view will direct our energies toward those areas that are legal and supportable in our society, where we wish to do that.

Some people direct their energies to create and play music. That is a great thing and society needs it. I have no talent or interest in that area. I leave it to others. I also leave it to others who are supporters of the public school system. I believe there are many and I think there should be in our community and in other communities, to ensure the viability of a very strong public school system.

**Mr. Chairman:** Some people would even argue other people misdirect their energies so profoundly they become politicians.

**Rabbi Witty:** If I may, I would like to respond to Mr. Allen's comments. As one hears this type of discussion, some of the questions remind one of Danny Kaye's famous one-liner about the fellow who walked into an antique shop and said, "What's new?" It somehow seems like recycling much of the old, but I think some things have to be said.

I would like to engage your sort of by-the-way comment at the beginning of your remarks when

you said that what we are discussing here is not really the business of this committee. I think I heard you say that.

In fact, we are pointing out, and it is also a point made in our brief, that it is the business of this committee. There are schools other than Roman Catholic ones that are founded, supported and maintained by faith communities whose interests have also to be assessed by this government and whose schools have to be considered for some manner of support if there is going to be extended to any one particular faith community the type of support that will be forthcoming to Roman Catholics.

Certainly we are very clear in not saying, and nobody is suggesting for a moment, that anyone is in any way begrudging what is by law and history the right of the separate schools. We are saying that once there has been a step taken in the direction of supporting one particular group, one cannot simply bury one's head in the sand and ignore the fact there are others as well, whose concerns, interests and commitments have also to be considered.

In that regard, I think one cannot simply discuss Bill 30 in a very limited, somewhat restricted sense, without recognizing that, by including whatever provisions will be in it ultimately, automatically there will be implications for others. Those have to at least be recognized in reporting whatever is going to be done with the legislation before us.

As for your comment on withdrawing energies from the public school system because some youngsters will be attending Jewish or other particular schools, long ago we have made our position known on this matter but it is something that bears repeating.

I do not believe we have a public school system anywhere any more. We have a public school system, one that is catering to many publics when we are providing for youngsters who need technical training, youngsters with gifted abilities in some of our schools, those with francophone backgrounds and on and on the list goes.

Withdrawing any particular group somehow seems incongruous with the total discussion. If we are talking about an umbrella school system that caters to a wide variety of publics, as well it should, then among them will have to be those who want special interests served with respect to the arts, sciences, language, whether it be French or any other, and particular ethnic and cultural heritages groups seek to preserve.

Not every member of a group must be assigned by law to attend a particular ethnic or religious school if they choose not to; but for those who want to have that benefit for their youngsters, and they perhaps want to do so by means of withdrawing them from the larger group, I do not see that in any way as a diminution of the energies that are available in the public pool of education. I see that ultimately as an enrichment of a society in which we are making an earlier investment.

**Mr. Allen:** I am happy with the answer. It has a lot of merit in it and is one we need to reflect on very carefully. I did not mean to suggest any of you had misdirected—admirably extended—but a question is raised about what happens and what the implications are. As you say, it is important to get the answer out there again and again.

With respect to something you touched on lightly, can you give us some sense of the governance and accountability structure that you currently live with in the Jewish schools? What kinds of accountability structures are you prepared to accept in addition to what you now have, looking forward to a potential publicly funded regime?

**Mr. Segal:** I will deal with the second part of your question first, the accountability we are prepared to accept. We are prepared to accept the same accountability with respect to what goes on in the general studies department of the schools, the same curriculum guidelines, the same teacher qualifications as would be imposed by the Ministry of Education in any public school in Ontario.

In terms of what we are now accepting, I understand there are inspections going on from time to time, mostly on a voluntary basis by the ministry. We have a great deal to learn from them. On occasion they have something to learn from the approach we have taken. We are prepared to accept complete accountability, as long as there is nothing in the curriculum—we find it very difficult to envisage that there could be—which would be contrary to the value systems we are inculcating.

That includes, in terms of what we are prepared to accept, complete tolerance for other religious faiths and communities and teaching of the universal rights of man and woman and the like in all our school systems. We are prepared to accept an across-the-board accountability the same as in any of the public school systems and to be answerable to whatever committee the government may establish through the ministry or whatever mechanisms it may establish in ac-

countability as to what goes on in the general studies program. There will be a little bit of a different emphasis on life values, outlook on life and so on from what may be going on in the public school system at large.

**Mr. Allen:** You would not be looking to an organized assessment base or an elected board structure or those kinds of—

**Mr. Segal:** The schools are democratic in that the governing bodies of the schools are elected by the parents who choose to send their children to those school systems. Every parent has the right to vote for the board and the schools are operated by those boards. If we were large enough, and I do not think we are in our community, there might be something analogous to the Roman Catholic boards of trustees. I do not think that would be practical, and we must look at practicality in those areas. We are now ensuring that these schools are (a) operated on a not-for-profit basis, and (b) that they do reflect the views of, and that the leadership are elected from, the parent bodies who send their children to these schools. It is run in a democratic way within the community they serve.

**Mr. Allen:** The teachers are certified?

**Mr. Segal:** Virtually all the teachers in the general studies department in the Jewish schools are certified. In the Judaic studies segment, they are certified in a different way, not under Ontario guidelines but rather under guidelines that meet the needs of that school. There are a few who are not completely certified in Ontario. They could become certified, probably within a very short period of time. That is not a problem in our schools.

**Mr. Allen:** For teachers in your schools, were the option available at the college of education to prepare a religious education specialty, would that be a factor? That is something that has come before us in another prospectus. Is that something you are interested in?

5:20 p.m.

**Mr. Segal:** By and large, although there are always exceptions, our schools have the curriculum divided into two identifiable segments: the general studies and the Judaic studies portion. It is approximately half the school day in each. It is not only religion but also a whole variety of subjects taught in the Judaic studies portion: rabbinic literature, history, Bible, Jewish literature and the like.

There are some organizations in Ontario now providing teacher qualification in that area. There is, for example, a Jewish teachers' college

which has worked with some of the universities to have that. There are unfortunately not enough people in Ontario going into that field. We import many of our teachers from abroad, from the United States and Israel on a visiting-teacher basis. We do not envisage the Ministry of Education providing teachers to us or funding the Judaic studies portion. We are looking for funding for the general studies portion of the curriculum and that is a little different from some of the other independent schools and from what the Roman Catholics are looking for. They are looking for funding for the religious component as well. They obviously will speak and have spoken for themselves on those issues.

**Mr. Chairman:** I would like to go on—

**Mr. Allen:** One little question.

**Mr. Chairman:** All right. We are an hour and a quarter late so it can only be a little one.

**Mr. Allen:** You are presumably aware of the Edmonton public board's arrangement whereby there is a Jewish school as one of the alternative schools. Is that an arrangement you know something about and can you tell us how well that functions?

**Rabbi Witty:** Yes. They have a Ukrainian, a Cree and a Hebrew school, all affiliated with the Edmonton board.

**Mr. Allen:** A Waldorf school as well.

**Rabbi Witty:** I know about the three language schools. Those are the ones I am familiar with and I have actually visited Edmonton and seen the Hebrew program in operation there. I am not sure what the question is, but if it is whether we could operate along a similar type of an arrangement if there were legislation enabling local school boards to implement that type of program, the answer is we would certainly see that as operational for some of our schools. There would be others who would have some difficulties with it.

For a number of reasons it probably is not the preferred approach, but it would be an approach that could be considered for some of our schools. A more universal approach would be far more desirable.

**Mr. Chairman:** I regret having to cut things off a little but I am anxious we not hold up our last deputation too long. As I said, we are about an hour and a quarter past where we are supposed to be at this stage. Mr. Segal, on behalf of the committee, I thank the three of you very much for making your presentation today and making your views known.

## MR. JOE HUEGLIN

**Mr. Chairman:** The final deputation for today is from Mr. Joe Hueglin. It is exhibit 444 that the members have already received. Sir, please take a seat and make yourself comfortable. How would you like to proceed?

**Mr. Hueglin:** I would like to proceed by reading the brief. I am informed that if it is not stated it does not enter the permanent records.

**Mr. Chairman:** No. There will be permanent records of all briefs maintained. What will be on Hansard will be what comes out of your mouth, but all these are records that are maintained.

**Mr. Hueglin:** Hansard is what I am concerned about.

Who are the members present?

**Mr. Chairman:** Pardon me?

**Mr. Hueglin:** So that I can know presumably to whom I am addressing myself.

**Mr. Chairman:** This is Mrs. Smith, this is Mr. Lane and I am Mr. Johnston. Mr. Allen is just back there talking to another colleague at the moment and the others will be back. I will identify them as they ask you questions. Please proceed.

**Mr. Hueglin:** Premier William Davis's ministerial statement of June 12, 1984, has become a blueprint for radical change in the course of secondary school education in Ontario. It has become a blueprint for the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario which arose out of it, the framing of Bill 30 and the parameters under which some of the members on this legislative committee work.

Mr. Davis enunciated in his statement three fundamental principles, all of which he said "must be respected in the resolution of this matter of whether or not the government of Ontario should extend financial support to secondary Roman Catholic schools." It is appropriate to consider at this time how these principles that the blueprint states to be fundamental have been respected in Bill 30, which aims at resolving the matter.

The blueprint reads: "We are not mere hostages to old arrangements. So we have a contemporary responsibility to be sure that our answer on this question strengthens, rather than fragments, the social fabric of this province." Who among you will say this answer—meaning the bill—before us, in the light of what you see and hear daily, is strengthening, rather than fragmenting, the social fabric of this province? If

you can say this, I look forward to your doing so. If you cannot, you must by your silence agree that the answer is not respecting this first fundamental principle.

The blueprint reads, "We must not undertake a course of action that by its nature, or in its execution, would cripple or limit the viability of our nondenominational school system, which is accessible to all and universally supported and which will always remain the cornerstone of our educational system."

A reasonable interpretation of these words is that the public education system's continued viable existence must be paramount in any restructuring of secondary education. In the preamble to this bill there is no mention of the public education system.

The commission is charged with the criteria that its actions "must permit the Roman Catholic school board to provide secondary school education and that the method must promote the best interests of public education in Ontario." In this charge there is no precedence given. There is no direction to the commission that in case of conflict the continued viable existence of the public secondary school system is to be protected.

Subsection 136x(8) enables the commission to transfer the use or ownership of real property or personal property or both from a public to a Roman Catholic school board. No means of transfer in the other direction is included. Adherence to the principle enunciated in the blueprint demands a bias in favour of the nondenominational system. The bill is written from the perspective of the Catholic school's position.

The bill's mechanisms for settling matters of dispute that arise is to place the issue in the hands of the commission or its agents and ultimately the cabinet. But the parties to a hearing are limited to the public board and the Roman Catholic board by subsection 136x(4). If the dispute goes to cabinet, a decision can be rendered without having to "afford to any person an opportunity for a hearing" under subsection 136x(16).

You have heard many submissions detailing concerns individuals and groups have in regard to the continued viability of the public education system. There is no mechanism in this bill for addressing them. There is, in fact, no mechanism in the bill as it stands for them to argue an opinion in disputes that arise out of it.

It may be these mechanisms for ensuring the viability of a nondenominational system which offers accessibility to all have been overlooked

here. If you know what they are, please point them out. If you cannot, Bill 30 must be deemed to have failed in respecting the second of Mr. Davis's three fundamental principles.

The blueprint reads, "We must not only respond to the claims of the moment, but we must also work to honour these contracts which were struck to create a united Canada in 1867." There are two things there really: the "claims of the moment" and "to honour these contracts which were struck." This is the most important principle because it is upon the interpretation of what occurred in 1867 that the nature and execution of the manner in which financial support is offered to secondary Roman Catholic schools depends.

Other than the claim for continued viability of the public education system already granted by the second principle, two others at the moment can be made. The first is that there are in denominational schools some tens of thousands of students whose educational opportunities are not as wide as in the public system. The second is that the Ontario Human Rights Code—I believe in section 4—should follow the spending of public funds.

In the resolution of these conflicting contemporary claims, it is clear that application of the Ontario Human Rights Code has the preponderance of support. Funding at the secondary school level is not being proposed for confessional schools on the claim of lessened educational opportunities, where not all, but only one, denominations are being offered funding under Bill 30.

### 5:30 p.m.

Why is only the Roman Catholic demonination being offered funding? Why is it alone not subject to rejection, because the claims it has are not less than those of the Human Rights Code? The answer lies not in claims of the moment but in claims from the past. If public funding of Catholic schools was not sanctioned by past actions, if they were new creations, no different in kind or treatment than other confessional schools, equity would demand that they be treated no differently.

Bill 30, in its preamble and in its permanent sections, is premised upon one interpretation of the events of the Confederation period. The underlying assumption is that publicly funded secondary Catholic schools are not a new creation and thus subject to application of the Ontario Human Rights Code, as are all other denominational schools, but rather the actualization of a right existing since Confederation. A right always existing, if not in law then in intent

or spirit, a right long unjustly denied but now, after 118 years of injustice, is being realized.

Bill 30 is so written that secondary Roman Catholic schools would be an extension in law of the elementary Roman Catholic separate schools and, as such, subject to the same exemptions from the application of provincial statutes and constitutional law. That is to say, they would be able to control access of both staff and students according to their own criteria rather than those which apply to all other publicly funded bodies with respect to section 4 of the Human Rights Code.

There is no doubt that the separate school supporting portion of the Roman Catholic community in all sincerity views full public funding as completion, as rectification of a long denied right as "just and proper and in accordance with the spirit of the guarantees given in 1867," as the preamble to this bill states. How could they feel otherwise after being instructed closely in these beliefs for generations?

Two documents are appended which illustrate how historical events have been designedly, ignorantly or overzealously viewed in lights other than reality.

The Tiny township case, realistically, dashed all hopes for extension of separate school privileges to the secondary school level—at that particular time in any case. At the end of what was admittedly a detailed judgement, Mr. Justice Rose succinctly stated, "The petition therefore will be dismissed." This is found in Ontario Law Reports, volume 59, page 156.

How are this and other decisions on this case viewed through the Catholic interpretation of events? "All court decisions say there was no grievance under law and no justice either." The document that indicates this is The Catholic School System in Ontario, and it forms a section of this. It suggests something that Mr. Justice Rose did not say. In the judgement it said, "There was no grievance under law." In my reading of Mr. Justice Rose's judgement, "no justice either" is not present.

This same event, or rather series of events, in which courts failed to uphold the claims of Catholics to public funds based on the Confederation settlements ceased to exist in the document, We Appreciate your Concern. This is a contemporary statement of position, one you have no doubt received and read in an attempt to arrive at a just resolution of this matter. The Tiny township case is not mentioned herein.

Rather, these words are found in the section entitled, What is the constitutional base? "The

right of separate schools to exist has been confirmed in court case after court case down through the years."

Applied to the matter of extending public funding to secondary Roman Catholic schools, this is not only an erroneous but grossly misleading statement or one, to be charitable, made not out of a desire to deceive but from a strongly felt, perhaps overzealous, but none the less most certainly factually incorrect view of reality. This is the document I would presume you have received and read.

Bill 30—the Conway bill, it would have been termed in the 1860s—is presented to us with the preamble that it is "just and proper and in accordance with the spirit of the guarantees given in 1867." While this bill may be drafted in accordance with the spirit of the guarantees given, according to the strongly felt views of the Minister of Education (Mr. Conway), its terms are diametrically opposed to what was accepted by the actions of the legislators of that day.

The Scott Act of 1863 was viewed as the final settlement of the question. It was arrived at only after a meeting between Egerton Ryerson, superintendent of education, Thomas Scott, the sponsor of the bill and two Roman Catholic clerics, Vicar General C. F. Cazeau and Vicar General Alexander Macdonnell. Ryerson consistently held the outcome of this meeting "as a final and irrevocable settlement," while Scott "promised that...if this measure were passed, it would be a settlement of the question." Scott promised that in the Legislature.

When finally passed, to become the legislation upon which Roman Catholic separate schools have been based in large measure from that day to this, it was without majority support in what is now Ontario. The vote was—and there is an addendum here; I made a typographical error—31 nays to 22 ayes in Ontario, but with a solid vote from Quebec members supporting their coreligionists in Ontario, bringing the tally in favour to 76 to 31. At no time did a majority of the members from Ontario vote for the initial implementation of what is now the governing separate school act in Ontario.

The final settlement lasted until 1865, when agitation for increased powers to Catholic schools was renewed. The list of demands included secondary school funding, funding for a Catholic university, a Catholic normal school and equal access to taxes on corporations and public utilities. The demands were the issue before us today and others in the wings with

regard to finances or as yet not brought forward in our own time.

This is a bill that incorporated these demands. To the best of my capability this morning—Niagara Falls did not have the resources that the Legislature has; there were no extant Hansards at that time. One has to go to the newspaper of the day, the *Globe*, which I managed to do with the assistance of the staff at the library. This bill, the school bill, as it suggests here, is the Bell bill, which states all of these different demands of the day.

The members of the Legislature who created a united Canada by accepting Confederation had full and ample opportunity to guarantee these measures not in spirit or in intent but in fact, for a bill, the Bell bill, was introduced that embodied them.

On August 7, 1866, 119 years ago this month, the Bell bill was dropped, for, as Franklin A. Walker, the highly respected historian of Catholic education and politics in Upper Canada and Ontario, states, "The temper of the House was such that it was clear it would be impossible to pass it." It was introduced on August 3 and withdrawn on August 7 without coming to second reading.

As Walker writes, this "was the last hope of Catholics to obtain further recognition of what they regarded as their rights in Upper Canada ... The Scott Act of 1863 became the basis of legislation in Ontario separate schools and ... there has been no substantial legislation on separate schools since that date."

The Conway bill of 1985 reflects the continuing spirit of Catholics who are the lineal and in some cases the corporeal descendants of those who failed to convince the Fathers of Confederation of the validity of what they regarded as their rights.

Had the Conway bill rather than the Bell Bill been introduced in 1866, would it have succeeded in extending separate school funding beyond the Scott Act agreement of 1863? There is no reason to suppose so, but you must accept that it would have altered the directions of the legislatures of that day if you are prepared to accept the thesis that Bill 30 is the actualization of a right, a spirit, an intent, persisting from that day to this.

**5:40 p.m.**

Does Bill 30 honour those contracts which were struck in 1867 to create a united Canada? The answer can be yes only if you accept that the legislators of 1866 did not know what they were doing in rejecting the Bell bill, or the legislators of 1871, undoubtedly many of them the same

men, in establishing secondary education on the nondenominational, universally accessible, universally supported basis it has remained until today.

If, on the other hand, you agree that men of the stature of George Brown, Thomas D'Arcy McGee, John Alexander and John Sandfield Macdonald knew what they were about, you must accept they knowingly chose not to publicly fund secondary Catholic schools or any other of what Catholics regarded as their rights and, this being the case, the argument that the protections afforded denominational elementary schools in 1867 relate to them only and cannot be passed on to secondary Catholic schools in the process of being offered public funding today.

Clearly, the argument presented here, an argument not based on emotion, but historical events as they occurred and as assembled by a Catholic historian, is that the actual contracts struck to create a united Canada have been honoured and that the offering of public moneys to fund secondary Roman Catholic schools is a new creation outside these contracts, not the actualization of a right existing since Confederation.

Just as clearly, since there is no claim from the past for exclusive privilege, the method of proceeding must be in accordance with the necessity imposed by the blueprints to respond to the claims of the moment, and Bill 30 does not respond to the paramount claim of the moment—section 4 of the Ontario Human Rights Code.

How then does Bill 30 square with the fundamental principles? It has weakened rather than strengthened the social fabric. It does not act to ensure there is no crippling of the cornerstone of our educational system. It does not respond to the strongest claim of the moment, the Ontario Human Rights Code; nor does it honour the actions taken at the time a united Canada was created in 1867, but rather reflects the continuing sentiment of those who were unable at that time to obtain from the legislators of that day further recognition of what they regarded as their rights.

Obviously, the judgement made above will not be universally accepted. I suggest that if justice is to be done and to be seen to be done, the conclusions arrived at and the arguments presented cannot be ignored or dismissed out of hand or written off on the basis of some emotionally charged rebuttal. Only substantial refutation of the data presented can lay the conclusions arrived at aside and leave the bill as it is written to be considered a proper resolution of this matter, in the terms they all agreed to in the

Legislature of that day, a year and some months ago.

I do not know how you view yourselves at this moment. Is it as three groups of individuals jockeying for partisan advantage in a politically charged arena, subject to party discipline? Or is it as 11 individuals responsible for wending a very difficult way between two mutually exclusive points of view to arrive at the best among a number of options, none of which will be universally accepted?

I do not know if you can place yourselves above the needs of partisan politicians and play the roles of statesmen, any more than I know whether this submission has had so far, or will have had when it is completed, any impact on your decision-making. I only know I am acting on the premise that you can and it will.

As Bill 30 currently stands, it is being assailed by both those who believe religious groups have an absolute right to control the structuring of their children's education at public expense, on the one hand, and those who believe full public access should follow public funding on the other.

There will be continuing controversy, no matter what is done. The best action must be that which reduces the degree of discord so that while our social fabric may not be strengthened, it will be fragmented as little as possible.

If this principle, the principle of public schools as the continuing cornerstone, is to be respected, the final resolution must establish in law, as this bill does not, that where there is conflict between the needs of a viable secondary public school and another secondary institution—and I am certain you have heard enough about that—the needs of the school serving the whole community will be met first.

While the criteria as to what precisely constitute the basic needs of a secondary school are not completely agreed upon, they are, to a considerable degree, statistically quantifiable and objectively justifiable.

If the above be incorporated into legislation, not only will the occasions when conflict develops over reasonable accessibility and inability to offer adequate programs decrease, but also overall educational criteria, something largely avoided in this legislation, will be taken into account in decision-making.

The central dispute surrounding the matter in which Bill 30 offers public funding to secondary Roman Catholic schools, aside from the extra costs involved, is that it confers exclusive privilege to one denomination among many and deviates from application of the paramount

contemporary claim of the moment, that there be equality to all citizens under the Ontario Human Rights Code.

You may argue this is not your concern, because it is before the courts. This is not fully so, because the courts, on the basis of the question asked, will determine only if it can be done, not if it must be done. At least that is the best of my understanding.

You may tend to accept, as you have so far, the position of this legislation's sponsor, that is in conformity with the contracts and obligations of Confederation, but if you continue to do so, you must reject the preponderance of historical data that argues that this is a new creation in law that is being considered, not simply an extension of the existing privilege. I make reference again here to the Bell bill of 1866 which was introduced and which was withdrawn by the Fathers of Confederation. It led to a cabinet minister resigning, as a matter of fact.

A constructive compromise, based on contemporary claims alone, since the judgement is that there are no historical claims other than those already honoured, is as follows:

That public funding be offered to denominational schools so that students attending them may have available to them the same educational opportunity as those attending secondary public schools;

That they be offered only in circumstances where the viability of the secondary public school in terms of accessibility and program will not be crippled nor limited;

That they be offered upon acceptance of the application of section 4 of the Ontario Human Rights Code to accessibility of students and staff.

Some will reject this direction because governance will remain with denominational representatives. Some will reject it because it falls short of their being able to establish a complete religious environment. Most Ontarians will accept it as a reasonable balance, offering funds that denominational interests can choose to take for their institutions that offer an atmosphere more in conformity with their beliefs than the public schools, where they will not cripple the viability of public education, and within the wider conformity to contemporary values of equality of access.

You may choose not to take this submission into account. If you do that, however, you will be rejecting what is—always subject to reasoned refutation—a common sense direction that will minimize social discord, ensure the viability of the public education system, harmonize with the

actions rather than the spirit or intent of legislators at the time of Confederation, respond to the claims of the moment that all children should be offered substantially the same quality of education under the terms of the Ontario Human Rights Code, a direction that is wholly compatible with the principles of former Premier Davis's ministerial statement of June 12, 1984.

I say to you, as a student of history and of the dynamics of politics, that if you and your fellow legislators accept Bill 30 without substantial alterations in these directions, you will invite the renewal of communal strife that will surely follow when restrained and reasoned debate bears no fruit.

I say this because Bill 30 proposes a revolution, not only in educational but also in financial, social, religious and political life as well, a revolution which has not yet fully come to the attention of the majority of Ontarians who will be negatively affected by it, but which will lead to an increasingly vigorous reaction as full awareness develops.

I was on a talk show a week ago tomorrow. People called in from a variety of different municipalities. They really do not know the full impact as yet and there is growing concern.

That substantially ends my statement. What I attempted to do was raise some questions with you. I am certainly prepared to answer any you have, but certainly the gist of what I am saying is there are areas that fall short of what Mr. Davis proposed, or an interpretation of that.

I would like to ask, as I am sure would others, if the fabric has been strengthened. Where is the power of paramountcy established and so on? I do not know where we proceed from here.

5:50 p.m.

**Mr. Chairman:** Do you want to read your questions into the record?

**Mr. Hueglin:** Thank you. Various questions arise out of the submission I would address to the gentlemen and lady who have been sitting as members of this committee for some weeks now.

1. In the light of the submissions you have been receiving, does Bill 30 meet the fundamental principle of strengthening rather than fragmenting the social fabric?

2. Where specifically in Bill 30 is the principle that the public school system will remain the cornerstone explicitly stated as a criterion of paramount importance?

3. On what basis would you suggest Bill 30 would have been accepted by the Fathers of Confederation in August 1866 as expressing their

desires if it had stood in the place of the Bell bill that had to be withdrawn?

4. Are you prepared to accept that the Fathers of Confederation's actions and wills at the time of the passage of the Scott Act in 1863, the rejection of the Bell bill in 1866 and the passage of the high schools act in 1871 reflect the beliefs and purposes of responsible legislators aware of the effect of their actions, or do you attribute to them attitudes of a diametrically opposed nature?

5. Do you accept or reject the proposition that establishing the paramountcy of public schools in areas where there are problems of accessibility in numbers would reduce fragmenting the social fabric?

6. Do you accept or reject the Ontario Human Rights Code in its fullest import as the weightiest contemporary claim that must be honoured in the resolution of the matter of extending funding?

Thank you for suggesting I read those, I would not have.

**Mr. Chairman:** I think it is a good idea to get them into the record. Mr. Hueglin, thank you for the time you have taken. I cannot give you specific replies to all those questions at the moment. They are sort of evolving as we go along and I think the committee does not want to presume total answers until we have heard all the briefs from people.

I can say the questions of how much fragmentation of the social fabric will be involved is one with which we are trying to come to grips every day, with respect to whether it is positive or negative. We hear arguments on both sides.

**Mr. Hueglin:** On all sides.

**Mr. Chairman:** As many sides as you can imagine and more. As far as I have been able to tell, the maintenance of the public system is one of our major goals. How we do that through this particular act, and how you strengthen just the resolve to do that, is something a lot of members have been pursuing. I cannot make a response about the historical context, unless Dr. Allen wants to get into that debate as to what hypothetically might have been done by the fathers. The question of what we do in those individual school areas and how we maintain the public school system is something Mr. Davis and others have been raising on a consistent basis as we try to get more information from people.

The question of human rights versus the question of separateness and Catholicity has been one, again, with which we are charged and are grappling every day.

**Mr. Hueglin:** Have you been aware to this point of the Bell bill of 1866?

**Mr. Chairman:** Yes, some of us were. We have received many history lessons. People have come with various historical documents. The earliest that I can recall was 1820.

**Mr. Hueglin:** I have found among the people I have been speaking to that it is very little known. In the documentation I have read, I only found one reference to it other than Franklin Walker's excellent histories of Catholic education. It would be most interesting to see how prominent a part it plays in Mr. Scott's proposal that is going to the Court of Appeal.

**Mr. Chairman:** We have had a couple of people who have raised it with us and had various interpretations of it. I presume, Mr. Allen, you would like to get into this as you normally do. Do you want to make a comment on the historical side of things? I will not let this be a long-running debate, but go ahead.

**Mr. Allen:** The point is not to get involved in a debate here, which would not be definitive anyway. Perhaps I could ask Mr. Hueglin from his memory—and I would have to go back and look at the judgements myself again—what role did the Bell bill play in the various discussions of the issue in which the various justices have engaged in the attempts to judge the constitutionality of the issue? For example, in the Tiny township case where a lot of different justices participated in the discussion, was the Bell bill a part of that? Just refresh my mind.

**Mr. Hueglin:** I have gone through it twice very quickly, but I do not recall it being mentioned in that. It is like a historical anomaly. The Bell bill was brought in on August 3, 1866 and it was withdrawn on August 7, 1866. It was withdrawn very simply because it could not possibly have passed. The impact on the events of that day is that a bill had been brought in, the Langevin bill, and Galt had based his reputation on that being passed. Unless the bill for Upper Canada passed, the bill for Lower Canada would not pass, so because the Bell bill would not pass, the Langevin bill was withdrawn at the same time by John A. Macdonald. The Scott Act of 1863 became the final legislation.

My suggestion is that what is incorporated is substantially the same as what are being undertaken at the present time, secondary school funding, corporation taxes and then an extension of those. Some of us might consider that when our children enter high school today, are their aims simply to finish high school or to go on to a community college? What then becomes the basic education of the day? I suggest it is the

community college level that people aspire to these days.

If one accepts the reasonable demands, as Mr. Walker says, and we are fulfilling the reasonable demands of 1867, then that has to take full measure of the reasonable demands that were totally unacceptable to the Legislature of that day but held from that time to this as the desires of that community.

We have individuals whose corporeal—they have direct relationships to being unhappy at that time. What I have tried to suggest is that, if I had been raised in an atmosphere where this was the only point of view brought forward to me by the system I was involved with, I would quite reasonably hold that to be the truth.

Reason has to be based on a full life. I suggest that if this has not entered into things before, a person attempting to arrive at a preponderance—I watch television a little and some of the cases where they are judging things on television, and this is a word that entered into my vocabulary from there. What is right and what is wrong? There has to be a preponderance of proof. I suggest that this little document that is in the library and that the ladies enabled me to get today has to be weighed somewhat more heavily than it has been before, because it has not to the best of my knowledge entered into the press before, become aware of anywhere before.

The second concern I have is quite clear. We have been dealing always with the Charter of Rights and Freedoms. We have not been dealing particularly with the application of the Ontario Human Rights Code which governs all other institutions, as far as I am aware, within the province.

We are very concerned about the application of that with regard to hockey teams yet we are not particularly concerned about its application, as Davis says as a "contemporary claim in our society." That is something I tried to bring more to the fore. It is not just the Charter of Rights and Freedoms because that is a Canadian document. The Ontario Human Rights Code, is that the value system of Ontario or is it not?

**Mr. Allen:** There are only two things I would respond to very briefly. One is with respect to the Ontario Human Rights Code. Clearly within the Ontario framework, the document itself has been laid against this issue and rightly or wrongly from whatever point of view has been amended in such a fashion as to make certain concessions to the separate schools and the hiring policy. That was one of those big issues in trying to square this constitutionally grounded collective right and

distinctiveness on the one hand and the question of individual right on the other, which the code addresses in a more general way.

The other one is your point about the Bell bill and that is an obviously important landmark and issue in the discussion around the run through from 1863 to 1867 and what 1867 meant and what section 93 means in the British North America Act. I suspect it is more significant for those who view the constitutional argument as being that the meaning of 1867 is that it is obligatory upon the province to extend funding. I suspect it has rather less significance for those who argue simply that it is permitted.

The Tiny township case, in the judgement that renders, in effect was that it was not obligatory upon the province to extend but did fall within its regulatory power to do so if it wished. However one reads constitutionality, the latter provision is obviously the more lenient one but it still provides the province the constitutional mandate to do this if it feels it is in the best interests of the province to do so—

**Mr. Hueglin:** As you were dealing with the other gentleman, sometimes it comes down to fine distinctions or meanings. Obviously the province has the power should it so choose. The whole structure of the bill and the preamble, as I read it, is that it is almost as though it was dammed up then and it is completed now. It is not as though we are going to extend secondary school funding beyond the public school system for the very first time ever because that has never been done heretofore. Grades 9 and 10 are not high school fundings; they are elementary school fundings and always have been but it is a new creation in law and one either accepts it as being

an extension of something that is an outgrowth of something that was denied improperly then or a new creation.

I accept the right of the province to make it a new creation but to do that is once again to start dealing with contemporary values. We do not have contemporary values at issue. We have a contemporary value at issue with a presumed denied right dammed up that is now flowing through. This Bell bill is very critical as well as the presumption of Egerton Ryerson and others, including John Sandfield Macdonald, that the 1863 agreement was a final settlement. To say what was requested in the Bell bill was turned down, although they really did not mean to, would be difficult to dispute when it never got to the subcommittee.

**Mr. Chairman:** Thank you, Mr. Hueglin.

**Mr. Allen:** I suppose the experience in the committee will lead us to decide whether we need to comment on the preamble and its implications as well. Our historical sense as a committee—

**Mr. Chairman:** There have been a number of people who have focused entirely on the preamble in their comments before us. It has been fascinating and it will be fascinating to see what happens in court, as you say, about how the arguments are developed. Thank you very much for your presentation.

**Mr. Hueglin:** Thank you for your good questions. I know you are attempting to the best of your lights to be statesmen.

**Mr. Chairman:** I appreciate your final comment especially.

The committee adjourned at 6:05 p.m.

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- Jackson, C. (Burlington South PC)
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- Smith, E. J. (London South L)

**From the Ontario Jewish Association for Equity in Education:**

- Farber, B., Executive Director
- Segal, M., Chairman
- Witty, Rabbi I., Executive Director of Board of Jewish Education

**From the Ontario Secondary School Principals' Council:**

- Eaton, D., Executive Secretary
- Martin, J., First Vice-President
- Moore, B., Second Vice-President
- Putnam, B., Chairperson

**From the Ontario Secondary School Teachers' Federation, District 36, Wentworth County**

- Faulkner, C., Grievance Chairman
- Scott, D., Vice-President
- Hueglin, J., Private Citizen
- Shaw, E., Private Citizen



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Tuesday, August 27, 1985  
Morning Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC

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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

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Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith

Clerk: Mellor, L.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Tuesday, August 27, 1985**

The committee met at 10:05 a.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** I want to make an announcement. Everyone who has been attending the hearings daily will know I am not the chairman, I am the vice-chairman. I want to indicate I will be chairing the committee hearings this week. The regular chairman of the committee, the member for Scarborough West (Mr. R. F. Johnston), has gone into Toronto General Hospital for a few days for some further tests. We expect him back next Tuesday.

**Mr. Allen:** Members of the committee will know I have indicated on a number of occasions that I am planning to move a formal notice of motion with regard to a couple of items that lie around the periphery of the issue with which we are dealing. I would like to move that motion now and make a few comments without anticipating any of the debate that will follow at the appropriate time.

**The Vice-Chairman:** My understanding of what you are doing is that you are presenting a notice of motion at this point.

**Mr. Allen:** That is correct. The motion reads as follows:

That in view of the importance of certain related educational reforms in facilitating implementation of full funding of separate schools, and in view of the desirability of considering Bill 30 in the context of these reforms, the committee consider its responsibility to discuss such matters as:

1. The necessity of restoring provincial funding of elementary and secondary schools within both publicly supported school systems to an acceptable level from the current 47 per cent level; and
2. The reform of the superannuation system for teachers and other board employees and related measures to facilitate the early retirement of persons affected by the shift in enrolment.

**The Vice-Chairman:** If you will table a copy of that for us, the clerk will circulate copies.

**Mr. Allen:** Do I need a seconder for that?

**The Vice-Chairman:** No, not in committee.

**Mr. Allen:** These are not exclusive items and the motion is not intended to be exclusive. I and my colleagues would certainly be happy to see other members of this committee suggest other items that might well go on that list for us to consider. We have isolated these two items because they have appeared with such frequency in the presentations that have been made before us.

On the one hand, virtually every brief from every sector has called attention one way or another to the necessity of preserving public education and to the underlying problem of adequate funding that has slipped in recent years and of a need to reverse that trend. That seems to underline a great many of the concerns that are out there with what has been happening and some of the implications that could be read into the initiatives that Bill 30 represents.

The other item has come more consistently from teacher organizations and sometimes from board representatives but also from others from time to time. Given the centrality of the issue of teacher protection and security in this transition period, it seemed to us the superannuation of teachers was a matter that called for our attention, and that an early retirement measure for teachers, combined with the new way in which we are looking at the designated list—namely, volunteering to an approach that identifies designated positions in the first place, perhaps introducing a conscientious objection clause, taken together with early retirement—could well serve all of those redundancy problems and eliminate entirely the issues that lie there.

I want to place this motion before the committee for those reasons and ask other members of the committee to add to the list any concerns they think we should address and then we may discuss this at the chairman's discretion at some future date.

**10:10 a.m.**

**The Vice-Chairman:** Thank you, Mr. Allen. We are not debating the motion today. We will have to get some advice as to how far we can go with motions in the committee and so forth and

schedule a debate for this when the chairman returns.

#### ASSOCIATION OF DIRECTORS OF PUBLIC BOARDS OF EDUCATION

**The Vice-Chairman:** The first delegation this morning is the Association of Directors of Public Boards of Education. Mr. Willms is the spokesman. Welcome back to the committee.

**Mr. Willms:** Thank you. Mr. Chairman and members of the committee. As representatives of a very new association we are delighted to have this opportunity to present the views of the directors of public boards of education in this province.

I am Walter Willms, director of education for the board of education in the city of Windsor and chairman of the steering committee of our new association. With me are two other members of the steering committee. On my right is Dick Dodds, director of education for the board of education in the borough of East York. On my left is Howard Hempstead, director of education for the Renfrew County Board of Education.

The June 12, 1984, announcement by a former Premier was reason for the directors of boards of education to unite. At a meeting on June 7, 1985, attended by 50 of the 70 directors of boards of education, and after having operated on an ad hoc basis for a year, the directors formally established a new association.

Bill 30 purports to be in the best interests of public education. The directors believe the bill, if enacted without substantial revision, will not be in the best interests of public education as it pertains to student programs and to financial and social issues.

In a submission dated December 1, 1984, to the Premier of the province and to the three provincial commissions, the directors urged the government to defer initiation of implementation of the proposal for extended funding to allow for thorough consultation and sound planning in order that costly mistakes and legislation that might have detrimental effects might be avoided. The directors encouraged the government to develop a strategic plan that would place an umbrella educational governing body in each local jurisdiction in the province.

Implementation has not been deferred and changes with far-reaching significance are to take place on September 1, 1985, without sufficient sound planning and adequate consultation of the proposed legislation having occurred. Not even the constitutional issues have been resolved.

If you want to follow, we will highlight and read from the submission that is on your desk, starting at page 1. In our earlier statement, to which reference has been made, the directors declared, "The role of publicly funded systems of education is to help the government in its responsibility to every individual to provide a high quality of education, equality of opportunity and the protection of rights and freedoms."

It was and it remains the intent of the directors "to build on the most optimistic interpretation of Premier Davis's statement...in order to make his statement a unifying force within Ontario. We also want to work towards the development of legislation that will support a unified approach to education." This remains our intent and our desire.

The announcement of June 1984, supported by the introduction of Bill 30, represents a unilateral initiative, one that is among the most significant in the history of education in Ontario. It is essential that the implementation of this initiative and the proposed legislation be delayed until the proper legal decisions and public involvement enable the government "to resolve the outstanding questions in an exemplary and responsible manner," as the Minister of Education (Mr. Conway) stated on July 4.

In our submission, we focus on the following major areas of concern: (a) The extension of funding poses a threat to the viability of the secondary school system; (b) the very real danger that neither system will have the population or the funds to provide a viable program; (c) the demonstrated inability of the government to pay for increases in normal education spending; (d) if the legislation is reported to the Legislature, it must ensure a unified and constitutional approach to education; (e) it is essential, as an integral part of the democratic process, that government action be the result of true public involvement; and (f) the social benefits of a single-secondary-school system that is open to all must not be overlooked.

Mr. Dodds will continue with part I of our submission.

**Mr. Dodds:** The first part of our submission deals particularly with the philosophical concerns that we, as directors of education, have in this whole issue.

As directors of public boards of education, our responsibility is to ensure that quality education is guaranteed for all citizens and that any changes promote the best interests of public education in Ontario. As the Minister of Education said in introducing the legislation, the first principle on

which it must be based is the need to protect the viability of the public secondary school system. We are concerned about the loss of viability and quality of the public secondary school system available to any student in Ontario. Frankly, we intend to do everything we can to protect that system.

It is our professional view that to protect the viability of the public secondary school system, implementation of full funding should not be assumed and must be preceded by serious consideration of and debate on its implications in the areas of: (1) student program, (2) finances, (3) social impact, and (4) constitutionality and due process.

Let me turn to student programs for a moment. In comparison to elementary school offerings—I know I am not telling this committee anything—secondary school programs are tremendously varied and require a wide range of sometimes very expensive facilities, equipment and specialized staff.

A larger number of students must be assembled in one place to permit the course offerings required under the Ministry of Education guidelines. In many areas of the province, boards of education and secondary schools are already experiencing acute difficulties in providing a wide range of options for students because of declining enrolment. When two full, parallel secondary school systems are established, it will be more difficult for those schools currently offering wide-ranging programs and acutely difficult, if not impossible, for those schools already suffering from a small enrolment base.

Some areas of Ontario already have severe problems in offering programs, and because of the high percentage of Roman Catholic separate school supporters in many communities, the problems will become even more intense. A specific situation has been documented by the director of the Kenora Board of Education in a letter to the Minister of Education and the Premier (Mr. Peterson).

You are well aware of this situation as well as having received the minority report from the director of the Peel board and member of the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario.

Is it possible to argue that consciously creating a situation as described above will promote the best interests of public education in Ontario? We think not.

Turning to finances, the cost to the province of funding two complete, competing secondary

school systems, one public and one separate, will be staggering. Premier Davis's estimate for year one was \$40 million. The present government's estimates suggest additional costs of \$80 million the first year, \$130 million the second year and \$150 million of taxpayers' money per year in the third and subsequent years. That totals nearly \$400 million and does not include capital costs.

**10:20 a.m.**

Assuming that these latest estimated increases are accurate, they are taken on at the same time as the government is giving clear signs of an inability to have education grants match cost increases faced by school boards. Mr. Allen's notice of motion this morning would likely refer to that situation.

Much of the increased costs are found in the latest experimental initiative launched by this government, Bill 82. We suggest, however, that the total additional annual operating costs required under the new plan will be as much as \$500 million extra to sustain two parallel secondary school systems, not to mention the other initiatives being considered by the government—for instance, private school funding.

Where is the government going to find \$500 million plus the capital costs required? We find it ironic that the government seems to be able to find money to meet political and religious needs.

Some of the details of these estimated costs are contained in appendix II, and we are prepared to elaborate on them later.

It is small wonder that former Premier John Robarts told the Legislature in 1964: "The duplication of facilities from a financial point of view is not only impractical but impossible. I do not believe this problem can be oversimplified. One very good reason is that our society simply has not enough wealth to support a dual system beyond the elementary level, or a multid denominational system at any level. From an educational point of view as well, it would lead only to a lesser degree of excellence in instruction as a result of poor facilities, small concentration of students and, thus, less diversification of courses and the necessity of spreading our teachers over a wider and wider area."

Essentially, former Premier William G. Davis expressed the same sentiments as late as 1971 when he stated: "The Ontario government believes it has an essential responsibility to maintain this principle of a free, nondenominational and nonsectarian secondary school system, accessible to all and supported by all."

I find this ironic: "If the government were arbitrarily to decide to establish and maintain, out of public funds, a complete educational system determined by denominational and religious considerations, such a decision would fragment the present system beyond recognition and repair."

Is 1971 much different from 1985? We think not. Is it possible for the province to afford huge expenditures to create two parallel systems? Even assuming the ability to pay, is it financially responsible to create two parallel secondary school systems? We think not.

Is it in the best interests of the taxpayers of the province to create two parallel secondary systems when, for a fraction of the cost, it would be possible to upgrade the current universally accessible public system and thus make it, from the point of view of facilities, quality and unity, unparalleled in the world? Will it "promote the best interests of public education in Ontario" if we consciously and unnecessarily create two parallel secondary school systems? We think not.

Social impact: In October 1983, just eight months before the then Premier's June 12, 1984, announcement, the then Minister of Education, Dr. Bette Stephenson, a lady who knew the Ontario education scene better than anyone on this committee or in this room and who owed no one anything, gave a concise and very powerful commentary on the social benefits of a single secondary school system open to all regardless of race, religion or socioeconomic status when she said:

"In this context, I think it is important and necessary to reaffirm the general merit and the value of a universally accessible, publicly supported school system, a system which I believe contributes to consensus and is a countervailing force against social fragmentation.

"In a pluralistic society such as ours, which can be characterized as multicultural, multiracial and multilingual, a shared educational experience is important in fostering a common culture. Unity through shared experiences can be a countervailing force to factors which split and fragment society. Indeed, the school system may well be the only common, noncommercial learning and socializing experience for our young people."

In spite of the statements made by some members of the Legislative Assembly that they have not heard any significant negative reactions, we reiterate what has already been well documented. I give this committee an exception

in that case. I am sure you have heard some significant negative reactions.

Over the next several years, as many teaching and nonteaching staff across the province are displaced because of the plan and as many secondary schools and, eventually, elementary schools with long traditions and close community ties are transferred to the separate school system, strong feelings are bound to be felt and expressed.

Issues which for years have been dealt with on their own merit are even now being viewed by citizens within a religious context, which is not conducive to harmonious community relations. This, frankly, is very sad.

Public funds for education should not be extended to any religious group beyond that established in the Constitution. It is clear to us and to many people in the province that the Constitution guarantees Roman Catholic elementary grades only.

We also note an interesting section. Section 59a will be added to the Education Act to state, "'Separate school board' means a board that operates a separate school for Roman Catholics." We draw the attention of this committee to the anomaly of public funding for this government-approved school for one religious denomination. We also question how the government of all the residents of Ontario can make, as the Minister of Education has said, "a major contribution to preserving the unique mission of the Roman Catholic secondary schools."

One of the prime purposes of public education is to attempt to foster the development of a common culture, a culture which is strengthened by diversity within unity. Can it be seriously argued that such a plan, which systematically divides society, will do other than fragment the social structure of this province? Can politicians live with the knowledge that they have systematically divided this province? We think not and we hope not. Can it be seriously argued that such a plan will promote the best interests of public education in Ontario? We think not.

Finally, there is the issue of constitutionality and due process. The rights of non-Catholic students must be preserved and protected. However, while the question of student program, finance and social implications are critical, perhaps more fundamental is the question of the legality of full funding and the process being used to implement it. We support the decision by the government to refer the legislation to the Court of Appeal and to delay final reading of Bill 30 until its constitutionality is clarified.

An initiative of such importance for public education in Ontario must clearly be constitutional before it is implemented. Thus, we oppose a decision to implement full funding in September 1985 through adjustments to the general legislative grant, when the concept of due process would provide an opportunity for constitutional clarification before implementation.

Should the courts find the decision unconstitutional—and I believe they will—many thousands of students will return to the public system. One wonders if it can be seriously argued that such an occurrence would be in the best interests of the students affected and whether it will promote the best interests of public education in Ontario. We think not.

Finally, one must also ask if the government has other plans that we are not aware of for extending money to the separate secondary schools if the plan is found to be illegal.

Now Howard Hempstead will continue with part 2 of our submission.

**Mr. Hempstead:** There are a number of issues about which we have specific concerns. These begin in our brief at the bottom of page 5. The first is funding. The rights of boards should be protected with a clause that indicates optionality, that "boards may provide."

Under the Education Act, Roman Catholic separate school boards have had the right since 1974 to choose to offer secondary education to the end of grade 10 with funding. A lot has happened since then. Now, if a separate school board is granted the right to establish a secondary program to the Ontario academic course level, it appears reasonable to expect that it will have the obligation to provide a program that meets the needs of all exceptional pupils and of the specific credit requirements outlined in Ontario Schools, Intermediate and Senior Divisions guidelines.

**10:30 a.m.**

We are concerned about the provision of special programs in the future to meet the needs of exceptional pupils. The public has come to expect the public high school to offer the full range of programs required by OSIS. If, in low-density population areas or areas decimated by switching, the already limited number of students who require high-cost programs has become split between the two systems, the result will be that neither system will have the population base to generate funds and make such programs viable.

In 1980, with Bill 82, the Ministry of Education required plans from all boards for the provision of comprehensive special education

programs. A level of funding was guaranteed for five years. Now, in 1985, we wonder what funds there will be for our continuing programs in special education.

The current grant rate paid by the province has decreased on a percentage basis in recent years. The impact of this decrease is shown in appendix 3. With reduced enrolment, the programs currently expected will require an increased level of funding. Since this funding is most unlikely to be provided, we wish to advise this committee that significant cuts in programs appear to be inevitable. It must be remembered that many jurisdictions in Ontario cover large geographical areas with scattered populations which do not permit, to any appreciable extent, the reduction in the number of secondary schools despite the loss of students.

The whole funding issue for education has been assigned for study and recommendation to the Ontario Commission to Inquire into the Financing of Elementary and Secondary Education. We do not wish to make a detailed statement about the most appropriate funding options, but we wish to emphasize the following points:

If public funding is made equal, there should be no further limitation under any circumstances on who attends a particular school. Each family should have the right to declare its school support, and the option to change school support, for example, at the end of grade 8, should be protected. The parental right of choice should include which system to support with property taxes. The development of a parallel school system in all jurisdictions across Ontario inevitably must be viewed with alarm in terms of the cost when financial resources for education are extremely limited.

**Transition:** We note the number of possibilities for the development of the Roman Catholic secondary school system from grade 9 to the Ontario academic courses. Roman Catholic school boards with established grades 9 and 10 programs and the corresponding administrative and support structure to go with these grades 9 and 10 programs may add one year at a time up to the OAC level.

We recommend that minimum numbers of students within a given geographical area be established to ensure that the new Roman Catholic school programs which are initiated will remain viable. At the same time, the viability of the existing secondary school programs must be protected. This will require study and approval on an individual application basis.

The current legislation provides for trustees to be elected from their particular interest groups. Representation for ratepayers of either the public or separate schools in remote areas complicates the process of eliminating separate school representation on the public board of education. Merely eliminating these trustees and relying on a fee-paying process from one board to the other will not address the concerns of the ratepayers.

The Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario was established to assist in the initial stages of the development of Roman Catholic secondary school programs across Ontario. We recommend that the government establish a process by which a neutral third party will become the final arbitrator where difficulties in the mechanics of establishing the second school system are concerned.

The third party should not be the judicial system or the existing planning and implementation commission. The system of tribunals established to deal with extremely difficult cases in special education and the work of the Education Relations Commission are two suitable examples of this neutral third party. There appears to be a major incongruity between the role of a neutral third party and the role perceived for the present planning and implementation commission.

Bill 30 emphasizes the promotion of the best interests of public education in Ontario. Many plans were developed, assessed and approved by the planning and implementation commission prior to the introduction of Bill 30 and were in the best interests of Roman Catholics. Bill 30, with future revisions, must require that these plans be reviewed against the criteria that will be enunciated in the bill.

**Employee protection:** We believe the revised act should address the redundancy question in terms similar to those already developed by several boards of education, for example, by my board in Renfrew county.

**Accessibility:** Parents and students need to have the right to choose which school system and which programs students will attend. The family should have the right to declare itself to be ratepayers of either system at both elementary and secondary levels. We would not support the right of either school system, supported by public funds, to establish arbitrary admission requirements.

The extension of the present provisions of section 40 of the Education Act to provide for accessibility rights which might be exercised by

parents and/or their children between boards of education and separate school boards by the payment of fees by the boards appears to be an appropriate guarantee. There must be provision in the act for universal accessibility from one system to the other.

Public school boards offer a range of courses to meet the requirements of all pupils as specified within the act and Ontario Schools, Intermediate and Senior Divisions guidelines. The public boards are not permitted to refuse to admit a pupil who wishes to enrol. We recommend that the full funding of Roman Catholic secondary schools requires separate schools to enrol any pupil making application.

We further recommend that public boards of education be permitted to offer credit courses to those students who wish to study the Roman Catholic faith within a public high school.

At this point we would like to draw attention to what we consider to be considerable inconsistencies evident in several statements made by those in office over the years.

In 1971, William Davis took the position that he would not fund the separate school system. He stated:

"The Ontario government believes it has an essential responsibility to maintain this principle of a free, nondenominational and nonsectarian secondary school system, accessible to all and supported by all. If the government were arbitrarily to decide to establish and maintain, out of public funds, a complete education system determined by denominational and religious considerations, such a decision would fragment the present system beyond recognition and repair."

On June 12, 1984, Premier Davis stated, "It is, therefore, the government's intention to permit the Roman Catholic school boards to establish a full range of elementary and secondary education and, as a part of the public system, to be funded accordingly."

In 1964, Mr. Robarts told the Legislature: "The duplication of facilities from a financial point of view is not only impractical but impossible... Our society simply has not enough wealth to support a dual system beyond the elementary level or a multid denominational system at any level... It would lead only to a lesser degree of excellence of instruction as a result of poor facilities, small concentration of students and, thus, less diversification of courses."

In October 1983, just eight months before the Premier's June 12 announcement, Dr. Bette Stephenson gave a very powerful commentary on

the social benefits of a single secondary school system, open to all regardless of race, religion or socioeconomic status. She said:

"I think it is important and necessary to reaffirm the general merit and the value of a universally accessible, publicly supported secondary school system, a system which I believe contributes to consensus and is a countervailing force against social fragmentation.

"In a pluralistic society such as ours, which can be characterized as multicultural, multiracial and multilingual, a shared educational experience is important in fostering a common culture. Unity through shared experiences can be a countervailing force to factors which split and fragment society. The school system may well be the only common noncommercial learning and socializing experience for our young people.

**10:40 a.m.**

Commissioner Rodger Allan emphasized the ineffectiveness of small secondary schools. He said:

"Indeed, the gap between the programs in the schools in the study and those in larger municipalities in the north and south, is becoming wider...Expectations of society for the school system have been increasing, while the declining enrolment in smaller schools causes the elimination of programs or courses because there is no other way to reduce costs proportionately."

Then, on July 4, 1985, the Minister of Education made a number of observations and comments:

"I remind all members of the rare unanimity of the parties represented here which concerted this historic initiative into today's reality. In proposing the extension of funding as it did, the government of Mr. William Davis made it possible for this province to move forward with this reform in relative harmony and without political division.

"For all of us, the words of that promise were clear. As the former Premier said on June 12, 1984: 'While men and women of courage and conviction have been divided on this issue, up to now no Ontario government has felt it was able to discharge its duty...to grant public funds to a complete Roman Catholic secondary school system. I now believe this can be responsibly undertaken and, therefore, it is our obligation to resolve this issue.'"

Mr. Conway went on to say: "These words are more than a statement of intent. They have the power of a decision taken."

Surely there is conflict in these words of Mr. Conway, "the need to ensure full discussion

without any arbitrary deadline"; then, "the need to proceed with the extension of full funding immediately... it is a comprehensive framework for the further evolution of the dual system of publicly funded education in Ontario"; and then, "The first principle is the need to protect the viability of the public secondary school system... With this legislation, a student may now choose to have access to either the public or the Roman Catholic secondary schools, subject only to the limitation of space being available."

Then he said, "The government sees the completion of funding as a major contribution to preserving the unique mission of the Roman Catholic secondary schools."

**Mr. Willms:** As directors of education serving the government of Ontario in the public boards of education, we remind the members of this committee it is essential to protect and maintain the long-term viability of the public school system. The legislation should not permit the establishment of some makeshift approach to the delivery of school programs merely to make it possible to say the separate school system has been established from grade 9 to the Ontario academic course level.

The ability of public high schools to be an integrative force within many communities will be seriously eroded by dividing the students into two groups. We urge the government to avoid this alternative.

Let no one be deluded into thinking that because Roman Catholic board plans and board of education impact statements regarding staffing and other matters have been struck between public and separate boards in some 40 jurisdictions, there is support for or even acceptance of the government's decision by the public boards. In many situations, because of a genuine concern over the fate of their staffs and students, public boards have felt considerable pressure to enter discussions with their coterminous separate school boards.

While public boards have been made aware of plans, they have not been afforded the opportunity to effect any changes in those. The impact statement was exactly that and can hardly be characterized as meaningful consultation or due process.

There is a major concern that the political process that established the public school system is in danger of being usurped by a government-appointed agency with abnormal powers. The Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, if proposed

legislation is given final approval, will become a non-elected group with the power to make decisions unilaterally, without reference to the legislative body elected to represent the public and without recourse by that same public to the decisions made by the commission. That is substantiated in several subsections of section 136 of Bill 30.

In his address to the Legislature, the Minister of Education observed that the citizens of Ontario "are now looking to us to resolve the outstanding questions in an exemplary and responsible manner. We are participating in a momentous and historic proceeding." As directors of public boards of education, we share this sense of historic significance.

The concerns of the directors of public boards are real; they are focused on the best interests of all students in this province who are in public secondary schools. Our concerns are predicated on the need, as the minister says, to protect the viability of the public secondary school system. We simply cannot accept an initiative which appears to jeopardize that viability. Our task is to defend the best interests of all students, regardless of religion, in our public secondary schools, and it is our intent to do so.

This initiative should not have been allowed to go forward without public debate having been completed and until the many concerns outlined in this submission had been resolved.

That concludes our prepared submission.

**The Vice-Chairman:** I gather from your brief that because you were opposed to the principle of extension of funding that you decided it was not going to be your approach to be terribly helpful to the committee in trying to perfect or improve Bill 30, and that is why you spent most of your time talking about the principle rather than the bill itself.

**Mr. Willms:** I think that is a fair summary.

**The Vice-Chairman:** Personally, I am a little bit disappointed in that, knowing that directors of education on a regional basis are top administrators in the system. I would have hoped that perhaps we would have got some written information on exactly where we could have improved Bill 30, but none the less a lot of groups have taken the same approach you have.

**Mr. Willms:** If I may, we were in the dilemma that we had been put into with our impact statements. It has been interpreted, in the minds of some people, that by the completion of impact statements we had agreed to the plans. That was the dilemma we were in with this submission. Certainly, we have identified those areas of Bill

30 that, in our opinion, require very careful review and full debate. If there had been the type of consultation we had believed was going to occur when we made our first submission a year ago, it might have been that some of those issues could have been resolved in a different way.

**Mr. Allen:** I suppose I could take up from that point. I do not want to suggest that the failure to address Bill 30 and all of its details, in my view, makes your appearance here a useless exercise. I think the statement is a very helpful presentation in terms of letting us know where the chief executive officers of major boards across this province reside with regard to the issue. It is important that we be told that and that you do that.

Secondly, perhaps I might comment that I am interested in the frequent references to the third last Minister of Education's statement on public education in Ontario in October 1983. We all have to do these mental gymnastics in our mind to get straight just which minister we are talking about. That was the member for York Mills (Miss Stephenson). In October 1983, as we began the estimates in this committee, the then minister issued this statement, which has been quoted a number of times by boards of education and appears several times in your presentation.

10:50 a.m.

You may recall it was an unusually paranoid statement, in which she flailed out in all the opening pages of that statement about all the diverse interest groups that were subverting public education in Ontario and reported to the press afterwards that if we did not watch ourselves we would go the way of Greece and Rome and find ourselves in a catastrophic social decline.

I asked her in the Legislature to whom she was referring. I asked her twice and she would not tell us. At that point she was embattled with you people over commercial and industrial assessments. She was embattled with the teachers' federations over the college teachers' proposals. She was embattled with just about everybody under the sun in the public education system. I find it rather ironic that you have come to us with this particular reference so frequently included in your statement.

You refer to the problems of generating sufficient funds to provide programs when neither school in a locality has the numbers to generate the resources to do that or to lay the claim on funds, by virtue of the slim numbers in each of the schools in question. Do you have a suggestion as to how that might be addressed?

First, we have heard a lot of instances of boards that simply are not going to proceed with schools, particularly in the north and northwestern Ontario. They recognize that the public school offerings are quite acceptable to them. Any further competition would undermine local delivery of education at the secondary level. There will be some who will go ahead here and there. They may be judged from several points of view to be marginal.

Is there a mechanism or an amendment to the Education Act or to the funding provisions that would make it possible to work in concert on the enrolments in such a way as to make claims for special costly programs offered between the two boards?

**Mr. Willms:** Is there a way to develop a mechanism?

**Mr. Allen:** You suggested there is problem with numbers in some cases. If you would expand on that, I might better understand the mechanism that is the problem that now prevents the provision of a specialized costly service where the combined numbers of the separate and public secondary schools might warrant it. You seem to suggest the division of forces would undermine the provision of that service. I am wondering if there is a mechanism that can get us past that.

**Mr. Willms:** We are very much in favour of combining, combining totally. Viability is a term that has only relative meaning. It has meaning in terms of the size of a school, its capacity, what the course offerings in a school might be, the geographical area served by the school and the composition of a school. Our position is that whichever of these criteria are identified and analysed, it would be far better to keep all students under one program in order to make better use of the funds, but in developing a mechanism, we have identified the number of students in our school system who have come from separate school boards. We know the division. We have some idea and have developed cost factors for the cost of education. Those are subject to review and refinement, but it can be done.

**Mr. Dodds:** On that issue, it is important to look one step beyond. It is a good question. In an area where there is a small public secondary school and a small separate public school, there will be competition. Let us understand human nature. There will be competition for students. There is no question about that. Some people have suggested competition is good and therefore programs will improve. I suggest there should

not be, and I hope there is not, a director of education in the public or separate school boards in the province who needs competition to try to provide an excellent program. I am totally devoted to my school system to provide the best program possible, and I do not need competition to do that.

What happens? We start competing for youngsters, and the only way to compete is to offer more and more options and programs to try to attract youngsters. I see at the end of that line disaster for one or the other of the small schools or the whole school system. I do not think competition is the answer for the quality of programs, but there will be competition for students, and it will be very bloody.

**Mr. Allen:** I do not think competition is something this committee is trying to promote. Throughout our hearings, we have consistently asked questions with respect to the potential for shared resources, for shared facilities, for shared programs.

I thought I heard you saying that even though combined separate and public secondary school enrolments in some areas might warrant funding for costly programs, when they are divided into two schools the mechanism is not there to deliver it because of the division. What I was asking was whether at this time the funding mechanism for special programs was such as to make that the case, but whether there was a way of amending the funding mechanism to provide it on a joint basis where the numbers make that possible.

**Mr. Hempstead:** We think there are provisions at the present time for local boards to make agreements. Quite honestly, we agree with the minister's statement about local agreements being far more important than made-in-Toronto agreements.

On the other hand, and our county is an example, the fact is that we have seven secondary schools; two of them are located in the city of Pembroke and the other five are strategically located at distances approaching a little over 90 kilometres apart in some areas. There is no way we can reduce the operation of those five entities. They are going to be necessary. Right now, we are doing everything we can in most of those centres to preserve options. In many cases, we have more than one level of difficulty in the same class and more than one grade level in the same class. We have planned in a long-term way to preserve the courses.

If the calculations of the principal in one of those areas are correct, a 500-student school we are currently operating would have about 200

public students and about 210 or 220 separate school secondary students. Right now there is not a mechanism, except local goodwill, to provide for those programs. We are concerned that the sharing of programs in the secondary school is a far more complex proposition than any of you realizes.

**11 a.m.**

**Mr. Offer:** Thank you for your brief. I understand it is in opposition to the funding, but I do sense that you have, in your opinion, the best interests of the education of the student at heart. For my part, and I believe I speak for the members of our caucus, the information you present does provide important, necessary information as we go through this committee hearing.

I would like to carry on with the previous question with respect to sharing. You have indicated to us in your last comment that we have no idea of the difficulties one might encounter in a sharing process. However, in our travels, we have heard of public coterminous boards setting up joint committees, looking into that very question of sharing, in transportation and purchasing, and the viability of sharing facilities and programs. They understand that in many cases it is workable.

I would appreciate hearing from you as to where you believe we may run into a problem with sharing, taking into account that in many areas there is a natural declining enrolment. You used the word "viability" throughout. On the basis of this natural declining enrolment in the public sector, there is a problem with respect to viability on that account, and the sharing that in many ways may be initiated through the bill may allow for the continuance of the viability of the public system because of the mere fact of sharing.

I would like to get from you a sense of where we might expect problems that the coterminous boards may have in the sharing process, so when we hear from these joint committees and what not, as we have heard from them in the past and as I imagine we will hear from them in the future, we might be able to question them on that. I would like to get your perspective on whether those problems might arise.

**Mr. Willms:** Mr. Chairman, let me say that the directors of education in this province have a long history of accomplishing those things that need to be accomplished. In fact, the directors have worked, with their boards, with their coterminous separate school boards to develop some of these plans because we had no alternative but to make it work. We are in full agreement

with sharing. Our point is, let us share all the way.

Let me give you an example. We have worked out sharing arrangements for transportation, not to the same school but to two schools in the same general area. Specifically, we then have to run buses more frequently because the schools might not have the same professional development day, so we run buses every day. There are other examples of this nature that I could put before the committee.

We take the position that everyone should be spared the agony of having to report to two bosses. Why put students into a school in which for their history and religion classes they are accountable to one principal and for their mathematics and physical education classes they are accountable to another principal?

Let us share all the way. Let us have a common administration. Some of us in this room can recall the disastrous times when we had two schools in one building, one called a public school and the other called a continuation school, and some detrimental administrative decisions had to be made.

Certainly whether it is purchasing policies, transportation or computer services, if we have no alternative but to share them with another set of administrators, we will do so; but we would prefer a more ideal situation in which we put all students, regardless of religion, under one administration. As we have said in our report, we in fact are recommending that the public secondary schools be given permission to offer credit courses to those who want the credit course in Roman Catholic religion. Let us share all the way.

**Mr. Dodds:** Mr. Chairman, if I may add to that question as well, the implementation of forcing students together is one thing, and having students wanting to be together is another.

I would not want you to minimize the existence of a building, if you can picture it. Let us take one building. At one end we have a group of students who are there, in the words of the Minister of Education, "with a distinctive mission," and the students at the other end of the building supposedly do not have a distinctive mission. I would also suggest that the public school boards do have a distinctive mission. But when we force students to see that they are different or to think they are different, then I can assure you it is extremely difficult to pull a student body together when one group thinks it is different from the other one.

**Mr. Hempstead:** In the board in which I work, we have probably had more experience with developing co-operation between the boards than most. I think we have the largest transportation net that is totally integrated. We have industrial arts and family studies programs. Our developmental programs and a number of things are working very well.

But the difficulty is this, and this is the statement that was given to our impact committee by the Renfrew County Roman Catholic Separate School Board:

"The Christian dimension of the various disciplines is one of the distinguishing characteristics of the Catholic school. We have a duty to ensure that the curriculum in literature, the social sciences and the arts enhances the student's sense and experience of what it is to be a Christian. The sensitive Catholic teacher will be able, in teaching these subjects, to relate their celebration of the human condition to man's routes in the divine and to his search for meaning.

"No less than the humanities, the scientific and mathematical program in the Catholic secondary school should lead the student to exclaim, 'What a piece of work is man.' In the study of science, the reality of cause and effect, the existence of order, the evidence of purposefulness and intelligence in creative things support belief in a supreme intelligence behind the order of the universe."

We do not quarrel with any of those things, but that is central to the desires of Roman Catholic parents. Our programs have to be much broader than that and, therefore, we cannot help but see that there will be some difficulties in determining, especially where we have single courses in each subject, how you provide for that kind of sharing.

**The Vice-Chairman:** I gather one of the complications of bringing three directors of education before a committee is that they feel very strongly about this issue and it is going to be difficult to get answers to lots of questions, but there will be long answers to very few.

**Mr. Offer:** I hear your concerns, but I do not really think the question was answered. I was hearing that the problems with sharing are, "Let us not share; let us do it all the way," or, "We have had wonderful success in particular areas in the past, but who knows if that will continue."

As to my question, perhaps you could be a little more specific. It seems to me, from what we are hearing, there is a growing sensitivity between coterminous boards throughout the province; granted, some less so than others, but

that to my view will facilitate the sharing process. It would seem, from your experience and how you have implemented it in the past, it can work into a successful mission only because of the effort gentlemen such as yourselves have put in in the past.

Therefore, my second point is a rehash of my first. If you have any specific areas that we should be concerned about from your experience, I would be pleased hear them.

**Mr. Dodds:** As a quick response, this is not the only way, but most of the sharing that has been explained today has been because of dollars or lack of dollars, and I suggest perhaps a financial incentive for sharing would be a valuable mechanism.

**Mr. Offer:** Thank you.

**Mr. Jackson:** I would like to follow up on the notion of sharing. Is it not a fair statement to say that since this province is funding at 47 per cent, you have been forced to share because of the barebones budgets? Is that a fair statement to make?

**Mr. Willms:** Sure, we are trying to get as much as we can for every dollar.

**Mr. Jackson:** Do you support a return to the 60 per cent funding level as quickly as possible?

**Mr. Willms:** How would we not support it?

**The Vice-Chairman:** Sixty per cent of what?

**Mr. Jackson:** What assurances would you as directors of education be able to give that you would tie that incredibly large insurgence of grant money to program protection that is, essentially, the nub of viability?

**Mr. Willms:** I can only refer to what we have done in special education, where there has been additional funding.

**Mr. Jackson:** Those are incentive grants for special ed. I am talking about straight grants across the board.

**Mr. Willms:** It is a matter of the government clearly stating its intention and the Ministry of Education stating the programs it wants. We will do our best to deliver. I am not certain how you guarantee that type of thing, because people change, but if the government gives us grants for sharing purposes, you can be certain we will do our utmost to make good use of them.

I wanted to comment a little earlier, if I might—

**Mr. Jackson:** Can we come back to that when I finish my line of questioning?

**Mr. Willms:** Okay.

11:10 a.m.

**Mr. Jackson:** I hear you saying that if the government provided those funds you would accept, within reasonable parameters, how those funds were spent. Am I hearing you correctly? I quickly shed my trustee's hat when I talk. I want to go back to local autonomy, and I think there is a role for the trustees in concert with the administrators who are employed by them to make those locally based or regionally based decisions. Are you suggesting the guidelines might more appropriately be set here in the context of Bill 30 and in the context of program protection?

**Mr. Hempstead:** I think we could guarantee we would develop, as we have in the case of the requirements of Bill 82, a comprehensive plan for how the program delivery will justify the funds that you provide us. I think that is common to the good planning that all boards do.

**Mr. Jackson:** To finish the questioning on the notion of grants, do you feel grants that focus on co-operation have to be more like incentive grants, not automatic grants, and that they have to be tied to programs of co-operation as opposed to, "There is the money; we would hope that you would co-operate in certain areas"?

**Mr. Dodds:** From a management point of view, a boss's point of view, to be realistic, yes, you are going to have to tie the grants very tightly. I am sure you have in the past tied the grants to separate schools so that none of those elementary dollars found their way into their private secondary schools, and that no grants for grade 11 will find their way into grades 12 and 13 next year. I know you will tighten that down as much as you can.

**Mr. Jackson:** My final question has to do with a phrase that you have not put in your brief, but that I am sensing as I listen to you carefully, and that is the notion of a unified school system. That is essentially the position that your new group has taken. Could you please advise this committee as to how you would provide the accommodation to or the protection of the separate school system in the context of a unified school board? How would you, as directors, allow that to develop and be accommodated within that context?

**Mr. Dodds:** I had the experience in Germany of being principal of a school—and you can extend that to a system if you wish—where both Catholic and non-Catholic students attended. I was also, as principal, responsible for the catechism and so on being taught. We found no difficulty whatsoever in accommodating the Catholic youngsters in their first communion. In

fact, it was a tremendous experience to have the non-Catholics observe that kind of faith and the explanation of that kind of faith. I think it would be a tremendously exciting thing to have one unified school board responsible for furthering the faith, not only of Catholics, but of some of the other 50 religions that are represented in this province.

**Mr. Jackson:** I would appreciate it if the other two witnesses might expand that so I might get a fuller response, not just narrowly confined to the catechism response to the students.

**The Vice-Chairman:** Tell us what a unified school board means to you, because it means a lot of different things to a lot of different people.

**Mr. Jackson:** It is still my question, Mr. Chairman. I am trying to get to the nub of how we are going to protect the catholicity in a unified system. I have a concept of the umbrella board. I read all of the Ontario Secondary School Teachers' Federation literature. I am just trying to get the directors to tell me how they envisage that catholicity protection, if we want to call it that. I do not mean the autonomy, because that deals with governance. I am talking about providing the programs. Tied to that might be if you could further expand on your statement there at the top of page 9, but I did not think I would have enough questions left with the chairman I have today.

**Mr. Willms:** In my board, one third of our current secondary school enrolment consists of students who came from separate school boards. I assume most, if not all, of those are Roman Catholic. There may be some other Roman Catholics in my secondary schools who did not come from separate elementary school boards.

We are right now protecting the catholicity of those students. We are protecting the rights of all students in our system. We have suggested we could go farther than we have gone in religious studies. That would not have to be restricted to Roman Catholics. We might be able to open credit courses for other religious groups. We made, in our jurisdiction a year ago, a proposal that during the transition stage we would not close a school and let the separate school board open that school as one of its own.

We would gradually filter out our students and they would build up their student base. During that transition period, we would proportionately share heads of departments. We agreed that in sensitive areas the heads of departments might be Roman Catholics. In other less sensitive areas it would not matter. We believe right now the public school system is protecting the rights of

all. Under an umbrella system, there would be one administration with the local interest groups being protected.

Regulation 262 now makes provision for any religious denomination to teach religious education. Very few have exercised it. Maybe we need to promote that. Many boards of education in this province have made arrangements for Roman Catholics to provide instruction in the schools for the trainable mentally retarded, more so before than now, but we are still doing it because a large part of the population base consists of Roman Catholics.

I wanted to make a very simplistic statement before—

**The Vice-Chairman:** Can you do it in a summary, unless it is directly related, because we have two more questioners?

**Mr. Willms:** It is related to the matter of sharing and working it out and asking where do we go. We have done away with separate boy and girl entrances. High time. Now we are going to set up separate entrances and separate offices based on religion. We want to share. More than half of the principals in my system are Roman Catholics, and I have 11 secondary schools. We believe our secondary schools are protecting the interests of Roman Catholics and will continue to protect them.

**The Vice-Chairman:** I dare say my constituents who attend your board meetings would disagree with that statement.

**Mr. Davis:** I appreciate your brief. I believe one of the statements made by the former Premier of this province was the importance of the protection of the public education system. As we travel the province there is a deep concern developing about the protection of the Roman Catholic separate school system as we extend funding. We also look at those communities where there is a single public secondary school and I appreciate your coming forth and talking to us about it.

When we have been into various single-school communities, the coterminous separate boards indicated that they are well aware of the impact if they created a separate program at this time. They have not said, to my knowledge, that they are never going to do it. They have just said they recognize there is great difficulty.

I notice you use the figure of 500, so my assumption is, if it was a 50-50 split or even a 60-40 split, you are creating two separate entities within one building. You say it is impractical to deliver a complete education to those students. Is that correct?

**Mr. Hempstead:** I would not say it is impractical, but it is impractical to provide for the separation of program that would be required by this concept of having the catholicity in those programs. With the number of single-unit courses we have split up, it would make it impossible to provide some of those courses. There are just too few students.

11:20 a.m.

**Mr. Davis:** In those kinds of situations it would be more advantageous if a number of the programs were shared; whether the teacher in the classroom is Catholic or non-Catholic, as long as the teacher possesses the expertise in that subject matter, it is the student who benefits.

How do you foresee delivering health programs on birth control and retaining the catholicity and statements of faith when they deal with that sensitive area?

**Mr. Hempstead:** We have come to grips with that in our county. We have a very extensive program in family life education and the five separate school ratepayer representatives have been very actively involved in the development of those programs. To the best of our knowledge, there is support in our county for the programs as we have them for presentation.

**Mr. Davis:** In that program, are the students presented with all the facts on birth control? Is one favoured over the other? Is there emphasis on one specific aspect of birth control as compared to all others?

**Mr. Hempstead:** We present the total picture, including the controversial one of whether or not the rhythm system is effective.

**Mr. Davis:** I do not want to get into details, but what I was really after—

Interjections.

**Mr. Davis:** How we go from education to sex and back again. What I was after was the aspect of their church doctrinal teaching. How do you get around that? Or is that taught by a Catholic teacher?

**Mr. Hempstead:** Not in our system.

**Mr. Dodds:** May I comment on that? We have discussed this at great length. In our discussions with our Roman Catholic colleagues who are attending and choose to attend the public system, our belief has been that during the elementary days, particularly in the separate schools, from the solid family background, we do not teach one way or the other. We present the issues. In the morals and values components of our programs, we do not stress any one approach. We rely very

heavily on information given to the student, and then he or she takes that with him or her and we hope he or she discusses it with family or friends and comes to his or her conclusions. We do not teach that one way is better than another.

**Mr. Davis:** I have another question and a comment. As we have been moving around the province, my caucus members are deeply concerned about the single-public-secondary-school community for both entities. I want to make it very clear that it is for both entities. You raised a very interesting concern, and I would like you to try to expand on it. That is, how do you retain the catholicity in that single-public-secondary-school community if we allow a coterminous separate school to develop and we share programs? How do you deliver the programs in which the catholicity, in my humble opinion, is irrelevant? I think of history, science, and so on. How do you get around that? Have you addressed that issue?

**Mr. Hempstead:** Our concern largely is that is where the difficulty lies. It is in trying to provide that. As far as we can see, the experience in other areas where they have endeavoured to provide composite secondary programs is that inevitably the catholicity has tended to suffer as the cost of providing for the broad range of composite secondary programs.

**Mr. Davis:** Would the option of religious education courses, as a mechanism of gaining credits in the secondary public panel, which does not exist now, help that problem?

**Mr. Hempstead:** We think it would. We requested it in our county two years ago.

**Mr. Davis:** My final question is to you, Mr. Chairman. I would like you to request from the planning and implementation commission some information about what we are beginning to see in our travels. There is an assumption that for the 39 agreements that have been signed and approved by the Minister of Education, there has been an approval by the public boards. It is stated on page 12 of this brief that is not true. There is appendix 4, which is from the board of education of your own area, which indicates: "To state publicly that this board has reached agreement with the Windsor Roman Catholic Separate School Board with respect to the plan submitted by the latter board is misleading and is a distortion of the facts."

It would be important for us to know exactly how many public boards of education have agreed to the plan and how many have only seen it and said, "Yes, we have seen it," as this group

indicated. I would ask that we receive that information.

**Mr. Dodds:** Mr. Chairman, with respect and also related to that, I would suggest as well that the current planning and implementation commission might more adequately and realistically be renamed the planning, implementation and advocacy commission for separate school funding.

**The Vice-Chairman:** We will attempt to get that information. It would be a bit misleading to indicate that this committee was under that illusion—

**Mr. Davis:** I did not say that.

**The Vice-Chairman:** —as the Windsor letter has been raised in this committee on three occasions now, if I remember correctly, and boards have made the same point.

**Mr. Davis:** I did not indicate that. I indicated there is a perception among the public.

**Mr. Epp:** You are touching on an area I want to delve into just a little. I know the directors have expressed concern about the planning and implementation commission. They are recommending a third-party approach and mentioned some system of tribunals which is used in other areas.

Would you like to elaborate on that because, based on your brief today, you do not have the same confidence in the planning, implementation and advocacy commission which some people have? I do not know whether Mr. Willms wants to go into that or whether one of the other directors wishes to answer that question.

**Mr. Willms:** We believe that if the planning and implementation commission had not taken on the advocacy role, then it might have been an appropriate body to take on those duties that are prescribed for it in Bill 30. However, now that the planning and implementation commission has taken a very particular approach to the implementation of this initiative, we believe it is no longer an unbiased, objective, fair body to take on those duties.

Any appointed tribunal might not be unlike an appointed commission. However, that appointed tribunal would not have had experience in the preparation and implementation, but would have jurisdiction to referee in terms of what has occurred with respect to the legislation.

**Mr. Epp:** What you are saying is that it has gone beyond its terms of reference in its advocacy role. In other words, it has assumed the role here for which it did not have terms of reference.

**Mr. Willms:** We think so.

**Mr. Hempstead:** I would have to say it is required to do two things: one, to promote the extension of the separate system and, two, to protect the viability of the public secondary system. Those two things are often in opposition. We think the two of them are not all that harmonious for one body to try to do.

**Mr. Epp:** You are saying that when it had this dilemma before it, it promoted the separate school system.

**Mr. Willms:** We think there is evidence that indicates that.

**Mr. Epp:** Where is your evidence?

**Mr. Willms:** It is in the kinds of public statements that have been made, that the 38 or 39 coterminous boards have agreed in terms of their initiatives to promote the extension of the funding.

**Mr. Epp:** When you are talking about the 38 or 39 boards that have agreed, are you talking about the separate school boards and not the coterminous public boards that have agreed?

**Mr. Willms:** There was that number of coterminous public boards that submitted impact statements, but within those impact statements were many statements of disagreement.

**Mr. Epp:** You are saying that the government ignored those statements?

**Mr. Willms:** We are not suggesting the government ignored those statements. We are suggesting, however, that the planning and implementation commission has misled the public in making them believe that by having completed the impact statements, the public boards had agreed to the plans.

**Mr. Epp:** Now you are recommending that a system of tribunals, another body, should be formed to oversee what the planning and implementation commission is doing and have a third body to which people who disagree with those decisions can appeal rather than to the Minister of Education.

**11:30 a.m.**

**Mr. Willms:** In terms of the criteria of the bill, but the present situation in Bill 30 is that the planning and implementation commission is going to analyse and assess plans, determine their appropriateness and then, down the road, become the referee to decide if what they agreed was appropriate is being implemented correctly. We do not think they can take on two roles.

**Mr. Epp:** Ultimately, the Minister of Education has to make these decisions, as he did with

those 38 or 39 plans. Although recommendations are made, the decisions are made by the minister who is an elected person, accountable to the Legislature of Ontario. Is that not where the ultimate decision should be?

**Mr. Willms:** There is no question about it, but we do not want the commission to be in the dilemma where it has recommended to the minister that something is appropriate and then the bill turns around and gives that same commission the authority to determine if what is being implemented is compatible with what it has recommended for approval.

**Mr. Dodds:** In response to this, Bill 30 provides for another planning and implementation commission. However, the planning and implementation commission in the past has reviewed the plans and the minister has to approve them.

We read in the press that the minister has approved those plans, but this past week we have received copies of a letter to separate school boards from the Minister of Education, indicating he will not give his final approval until after the bill has been introduced in the Legislature and passed. I understand that will be after the constitutional question is decided. The minister has not in his own letter indicated that he has approved those plans.

**Mr. Epp:** Has he given conditional approval?

**Mr. Willms:** When politicians say conditional approval, I am not sure what that means.

**Mr. Epp:** I am only using it in the context I think you would use it, conditional on the bill ultimately being legal.

**Mr. Willms:** Let me give you an example. The separate school boards submitted their plans based on no direction from the government whatsoever. After those plans were prepared and presented, Bill 30 appeared. In all probability, some of those plans do fly in the face of Bill 30 and should be reviewed as well.

The minister, I am sure, is an intelligent enough gentleman not to approve plans that may fly in the face of this Bill 30 or the revised Bill 30 that will eventually be reported to the Legislature.

**The Vice-Chairman:** We can clarify this matter by asking for a copy of the letter that went out to the boards from the ministry. It is our understanding, from a statement the minister made in Thunder Bay, that the plans were approved by the minister. We will ask for a copy of the letter to see exactly what was written to the

separate school boards so we will have a better understanding of that.

**Mr. Epp:** The important thing is that the minister has stated on several occasions that the approval he has given is only for this year and that the plans will be revised again next year. It is not for ever. It is something he had to do in the light of the current circumstances.

**Mr. Hempstead:** I do not think we are unhappy at all about having this in the hands of the elected legislative people. Our difficulty is that this is such a mammoth task that the minister will have no time to do anything else except examine all of the plans. We think the ongoing planning of the Ministry of Education is a much more important business than approval of all these plans.

**Mr. Epp:** I agree that—

**The Vice-Chairman:** Mr. Epp, you have gone on longer than any of the other questioners went on. I would like you to wrap up. We are 35 minutes behind.

**Mr. Epp:** I did not put us 35 minutes behind. I may have put us five or 10 minutes behind, but it is a very important item, as you can appreciate.

**The Vice-Chairman:** I am asking you to wrap up.

**Mr. Epp:** What was I going to ask?

**The Vice-Chairman:** You said it was very important.

**Mr. Epp:** I kept getting interrupted by the chair.

Given the fact that we are going to be getting that letter, we may have another occasion to delve into this and we will go for that. You can now stop interrupting yourself, Mr. Chairman.

**The Vice-Chairman:** Thank you, Mr. Epp.

Thank you very much for coming before us. Some of the comments you have made on the planning and implementation commission, I think, will be addressed in amendments to the bill. We do appreciate your coming before us for a lengthy period of time this morning. It is good to see you again, Mr. Willms.

**Mr. Willms:** Thank you.

**The Vice-Chairman:** The next presentation before the committee is that of the Ontario Secondary School Teachers' Federation, district 12, city of Etobicoke. It is brief 469.

Can we get started with the next brief? I would ask people in the audience who want to have conversations to go outside to have them, please.

Welcome. Would you introduce your delegation to us, please?

**Ms. Gordon:** Thank you.

**The Vice-Chairman:** Excuse me for one second. Can we have quiet in the back, please? If you would like to have a conversation, we would ask you to go out in the hall and have it. It has been kind of noisy. Proceed.

#### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

**Ms. Gordon:** I am Lynn Gordon. I am president of district 12, the Etobicoke branch of the Ontario Secondary School Teachers' Federation. I would like to introduce the colleagues I have here with me today. To my left is Dick Pinnell, our vice-president; to my right is Jerry Stein, a member of our executive and our political action officer.

I refer you to the brief you have in front of you. We would like to thank you and the members of the standing committee on social development of the Ontario Legislature for this opportunity to present our views regarding Bill 30.

It should be stated at the outset that we are diametrically opposed to the extension of funding to the Roman Catholic separate school system. The concerns expressed and the recommendations made regarding Bill 30 should not be construed as an acceptance of the legislation in principle or as a willingness to accept the legislation with appropriate amendments.

We are not going to read the whole brief to you. We would like to highlight certain elements of it. We will begin with the question of discrimination. I do not think it is necessary to mention to the members of the committee that Etobicoke in Metropolitan Toronto is the home of a multicultural, multiracial, multilingual society. Our public secondary schools teach students to be open-minded and inquiring, to be tolerant and understanding of others, to research all sides of a question before making a decision. These are qualities and skills that we believe our students need in today's pluralistic society if they are to reach their full potential.

In a statement to the Legislature on July 4, the Minister of Education cited the six principles that provided the basis for Bill 30. The fifth principle is that the distinctive mission of the Roman Catholic separate school system be maintained. It is hard to understand how the government can use public funds to enhance a system that protects its catholicity by discriminating against teachers and students alike on the basis of religion and lifestyle. No public funds should ever be used to perpetuate and enhance a system that segregates students on the basis of religion.

Furthermore, courses taught and subject materials used in Roman Catholic separate schools must be in line with Catholic doctrine. Teachers are expected to inject their faith into the courses they teach. We find the words of John Fauteux, the president of the Ontario English Catholic Teachers' Association, somewhat frightening. He was talking about Roman Catholic doctrine and how it applies to the classroom when he said:

"It means I can give a straight right or wrong answer to many questions, where a public school teacher would not be free to draw a conclusion for the students. For us, there is often a correct answer, based on the official position of the Catholic church through Vatican II."

**11:40 a.m.**

How can courses such as *Man in Society* be taught properly in a classroom where no unbiased views are allowed. The job of a teacher, we believe, is to help students explore all sides of a question and then to form their own conclusion, based on the knowledge acquired. It should never be to stand at the front of the classroom and provide the official answer.

We are concerned that this legislation, as it is currently written, is possibly going to create three classes of students within the Catholic school system: the Catholic students; the non-Catholic students who shall be exempted from religious education classes, and those non-Catholic students who may be exempted from Roman Catholic education classes.

It is our position that any student, Catholic or non-Catholic, should have the right to exemption from religious education, upon the written request of the adult student or the parent of a minor, in any school system that is funded by the public.

Moving to the section on unanswered questions, at the top of page 5, we are concerned whether the separate secondary schools will now be expected to provide all the services currently offered to the community by the public education system—services such as special education, advancement classes, French immersion, technical education, education in the arts, business education, co-op education, night school, summer school, adult education, etc.

We believe students transferring to the separate school system in September 1985 who have been receiving the benefits of these programs are entitled to their immediate continuation so that individual needs may be met. Yet at the same time, can the government of Ontario afford the duplication of such services, especially in the present climate of fiscal restraint?

We agree with the statement of the Minister of Education that "there should be equality of education for all our children," but we believe that this exists today in Etobicoke and across Ontario in our public secondary schools.

I would refer you to our section on the timing of the implementation of Bill 30, on page 6, and I will ask Mr. Stein to deal with this section.

**Mr. Stein:** It is not our intention today to argue the constitutionality of Bill 30, but there are some points we would like to make to the committee.

The government of Ontario has publicly stated it intends to amend the legislative grant so that the extension of funding may begin September 1, 1985. I would like to point out a typographical error to the committee. On the ninth line from the bottom of page 6, we have mistakenly put in the year 1984, and it should be corrected to 1985.

In our view, the promise not to bring the Education Amendment Act 1985 to the Legislature for the third reading before a decision is reached by the court is not sufficient. What will happen when the extension of funding is judged to be discriminatory? How does one reverse the process without further harm to students and employees in both public and separate school systems?

The Minister of Education has spoken of the need to ensure full discussion without any arbitrary deadline; yet he has set the most arbitrary deadline possible. As of September 1, five days from today, the grant structure will be altered to enhance the Roman Catholic separate school system. How can one believe that the presentations of briefs now scheduled for London next week, and later in Sault Ste. Marie and Toronto again, will have any impact on the deliberations of the House when the extension of funding will be a fait accompli as of September 1? Surely you cannot condone this as being part of a truly democratic process?

To our knowledge, 38 implementation plans have been approved by the planning and implementation commission. No approved plan exists for the city of Etobicoke or for Metropolitan Toronto. Consultation between coterminous boards is one of the criteria for the approval of implementation plans. At present the Metropolitan Toronto School Board and five of the six Metro boards, including the Etobicoke board, are not taking part in the process.

In his statement to the Legislature on July 4, 1985, the Minister of Education expressed concern for the 6,300 students and 300 teachers who plan to transfer to separate schools as of

September. What are we to tell the 14,000 students and the 1,030 teachers in Etobicoke's public secondary schools this September? Who will answer to the teachers who may find themselves surplus on September 30 because of the transfer of students to Roman Catholic separate schools?

Who will explain to them that there are no guidelines in Etobicoke or Metro for the designation of teachers surplus because of the extension of funding? Who will explain that no date has been set for such designations? Who will explain to students the reasons for teachers leaving the school, the reshuffling of timetables that results, and the extracurricular activities cancelled because of the lack of staff sponsors? The minister's stated principles—the need to protect the viability of the public secondary school system, the interests of students in all our schools being first and foremost, and adequate provisions being made to ensure an orderly and cost-effective transition—seem to be at odds with the chaos which could quite possibly occur in Etobicoke and Metro come September 1985.

Therefore, we make the following recommendations: That the extension of funding to Roman Catholic secondary schools be suspended pending the decision of the Ontario Court of Appeal; and that, should the extension of funding prove to be constitutional, it not be implemented until the Education Amendment Act 1985 receives royal assent.

No teachers in Etobicoke or Metro have been designated as surplus as a result of the extension of funding, yet the director of the Metropolitan Separate School Board stated on July 14, 1985, that it had hired 32 teachers. Not only should these 32 people not count towards any obligations the MSSB may have to hire Metro teachers, but the hirings should not have been permitted according to Bill 30, subsections 136l(3) and (4).

To further complicate the matter of the designation of surplus teachers, the declaration of surplus is a long and complex process in Etobicoke and all of Metro. Reference to appendix A will show that a teacher declared board-surplus on May 15 may be recalled to the board at any time up to August 31 as openings occur due to factors such as promotions, resignations and retirements. In addition, by contract, final staffing for the school year is not determined until September 30 enrolment figures are known. Teachers who have not been placed in Etobicoke on assignment of services with another Metro board or in the Etobicoke or Metro pool remain surplus to the board but have the

right of recall to fill any vacancies which may occur.

How can the Etobicoke board correctly designate teachers before September 30? Will the Metro separate school board hire these teachers on October 1? Will it be obligated to hire teachers designated by the Metropolitan Toronto School Board or by the six local boards? Too much is left vague and undecided.

We therefore recommend the following: that the designation of teachers referred to in subsection 136l(1) be done on a Metro-wide basis; that the guidelines for the designation of surplus teachers, subsection 136l(1), be included as part of Bill 30; that the dates set for the designation of surplus teachers by the public boards, subsection 136l(2), and the declaration of teaching staff required by the separate school boards, subsection 136t(1), be compatible with local collective agreements.

**Ms. Gordon:** I would now like to refer you to page 10, which concerns the impact of the extension of funding on a declining system, and I will defer to my colleague, Mr. Pinnell.

**Mr. Pinnell:** On page 10, we find Etobicoke has the dubious distinction of being one of the most rapidly declining public secondary school systems in all of Canada, if not the most rapidly so. The chart on page 10 indicates that since 1979 the Etobicoke public school system has lost 5,392 students in the secondary panel. This has resulted in a loss of 282 teaching positions. That is a loss of about 25 per cent to 30 per cent of student population during a very short time.

We would hope there was some light at the end of the tunnel. We are often asked about this by our teachers and students. All the projections we have seen show there is none, that projections beyond 1990 show a school system with fewer than 10,000 students and a loss of about 1,000 a year between now and the end of this decade.

**11:50 a.m.**

The problems that result from declining enrolment are obviously very great. This crisis is one we have barely managed over the last six years, but we have been coping. The implementation of separate school funding means we are in a whole new situation, in which this decline will be rapidly accelerated if it continues. The result, the impact on small schools, is documented here and I will not go into it at this point, but I would like to highlight some material dealing with a declining system in Etobicoke because this is very crucial to us.

In reference to page 12, item 2, the three people who are presenting to you today are not

typical Etobicoke teachers. We are young. We do not feel that way at times, but we are young. The average male teacher in Etobicoke is about 10 years older than me, 47.4 years of age. The average female teacher in Etobicoke is 42.7. In 1984-85, of the 1,066 Ontario Secondary School Teachers' Federation members in Etobicoke, only 13 were under the age of 30. That is 1.2 per cent. More than 200 were over the age of 55.

The chart that follows shows that Etobicoke women are at even greater risk. They comprise 59.3 per cent of those with five or fewer years of experience and only 35.4 per cent of Etobicoke OSSTF members. These problems will obviously be heightened by the problems of separate school funding.

In the OSSTF's provincial presentation to this committee, one of the concerns we had was that we have been trying to deal with this problem and to come up with solutions to the problem over the last six years. We have encouraged teachers to go on leave. We have come up with creative situations to assign teaching services to other boards. We have been coping.

One thing we do not have in Etobicoke, despite the impression the committee may have, is any kind of early retirement incentive plan. We were interested in Mr. Allen's press release this morning which indicated superannuation considerations should be part of this process. An early retirement incentive plan does not exist in Etobicoke, and it may be an absolutely crucial part of dealing with the staffing problems that result.

On page 14, we draw attention to the fact that this year, without taking into account separate school funding, 116 Etobicoke teachers received letters of termination on May 31, 1985. Of those 116 teachers, 105 had permanent contracts. They had taught for more than two years and some had many more than two years with the Etobicoke board.

The bottom of that page highlights one further point. The Metropolitan Separate School Board has had three secondary schools in the city of Etobicoke for some time. Of immediate concern is its leasing of the building that used to house Alderwood Collegiate Institute. That lease is for five years, with plans to open a new school for grades 9 to 13 this September.

All separate school students living south of Bloor Street are being encouraged to transfer to that new school. There has never been a separate high school in the area of Etobicoke south of the Queen Elizabeth Way.

It should be noted that an unusually high 30.1 per cent of elementary school students in this area are Roman Catholic. Furthermore, studies of OSRs, Ontario student records, of Lakeshore Collegiate Institute and Mimico High School, the two public secondary schools in the area, show that approximately 25 per cent of their students have at some time attended a separate school.

We have no idea what will happen at those two schools next week when school opens. We do not know how many students will opt to transfer from Lakeshore or Mimico to that new school, which as yet does not have a name. We have no idea what the impact will be on our system as it opens this fall. Those are problems we are going to have to deal with immediately.

There are some recommendations on page 15. We are recommending that positions, rather than individuals, be designated initially for transfer to the separate school board if this legislation goes through. Our concern is that if Etobicoke were to lose 1,000 students, that would be a typical Etobicoke high school. A typical Etobicoke high school would have a variety of people and positions employed at it—caretakers, secretaries, teachers, principals, vice-principals and department heads—doing a variety of jobs.

Our feeling is that if positions, rather than teachers, are designated, or caretakers are designated or principals are designated, it would allow people to move to fill the designated positions on a voluntary basis. That would be much fairer in the long run than what may happen otherwise.

In line with what I said earlier at the bottom of page 15, we are recommending that the Ontario Teachers' Superannuation Act be improved and that early retirement incentive plans, especially in the area of severe declining enrolment, be improved.

**Ms. Gordon:** I now refer you to the subsection on school closings in Etobicoke on page 16.

It has been the goal of the Etobicoke Board of Education to foster community high schools. In fact, no high school in Etobicoke has ever housed more than 2,000 students. Recently, we have lost four high schools. This has dealt a traumatic blow to local communities. Neighbouring communities have begun to fight over which local high school will remain open in a consolidation. We fear that with the extension of funding there will be more such problems in Etobicoke, across Metro and across the province.

As schools close, students suffer. They often become angered and frustrated at losing one of the constants in their lives. Families suffer.

Studies have shown that the hardest-hit families are single-parent families, immigrant families, those with marginal economic resources or an unstable family life.

Community resentment develops. One example of this is detailed for you on page 17 but I will not go into this.

The transfer of a school facility between school boards further exacerbates the problems that exist. It is clear that the Ontario government does not intend to provide large sums of money to meet the demands for new secondary school facilities.

Etobicoke has already suffered the transfer of one of its public high schools to the Metropolitan Separate School Board. In 1978, Don Bosco Secondary School was opened in portables in Etobicoke. It was decided by the then government of Ontario that Don Bosco should be housed in an existing public high school in Etobicoke. The decision to sell Keiller MacKay Collegiate Institute to the Metropolitan Separate School Board resulted in community outrage.

In today's society, we should be teaching all young people to live and work together. The sale of Keiller MacKay Collegiate Institute and its reopening as Don Bosco Secondary School fostered dissension, prejudice and disharmony in the community. With the extension of funding to enhance the Roman Catholic secondary system, such unpleasant and divisive scenarios are likely to recur.

As we have mentioned, the Metropolitan Separate School Board is well represented in the city of Etobicoke. It is our understanding that Michael Power/St. Joseph High School have been sold to the private sector and that the buildings will have to be vacated soon. We cannot seem to find out from anybody exactly when the sales close and the buildings will have to be vacated. What we are concerned about is whether the Metropolitan Separate School Board expects to appropriate an additional public high school to accommodate the students from these schools. To do so would seem grossly unfair.

At present, Bill 30 provides no guidelines or regulations regarding the transfer of use, the sale or the ownership of real property or personal property. Furthermore, in the settlement of disputes, only the two boards in question have rights as parties to a hearing of the tribunal under subsection 136x(4). What of the people affected: the students, parents, teachers and other employee groups?

Our concerns regarding the transfer of school facilities to the Metropolitan Separate School

Board lead us to make the following recommendations:

That there be no forced transfer of facilities from the Etobicoke Board of Education to the Metropolitan Separate School Board;

That regulations regarding the transfer of the use and the ownership of school facilities be included in Bill 30; and

That, should a dispute arise regarding the transfer of school facilities, all affected parties have the right to participate in the hearings.

The next section of our brief is on the problems of the designated teacher, on page 20. I will ask Mr. Pinnell to speak on this.

#### 12 noon

**Mr. Pinnell:** In the section from pages 20 to 24, I would like to highlight three key problems that we see in the area of the designated teacher. Our first major concern is with that of the teachers' professional representation.

We have listened with some horror to reports both from within this committee room and from outside, reports of Mr. John Fauteux, the president of the Ontario English Catholic Teachers' Association. We are seriously disturbed at the possibility that OECTA would represent designated teachers who are transferred to the separate school system.

We believe there will be so many problems with professional representation, given the fact this act is going to create different classes of teachers, some who are operating under one type of contract and some under another with the separate board, that we just do not feel confident that OECTA will be able to represent the teachers who are designated and who, in fact, transfer. One of our recommendations is that teachers who do transfer to the separate school board, are designated and move in that direction, should have the option of retaining their affiliation with the Ontario Separate School Teachers' Federation.

Second, we are suggesting that a close look should be taken at an assignment-of-services model. This is something that has worked in the Metropolitan Toronto School Board, the public school board, over the past number of years to deal with the problem of declining enrolment and the movement of teachers from one board to another within Metropolitan Toronto.

For the last number of years, Etobicoke has had teachers teaching on assignment of teaching services with other boards. They remain Etobicoke teachers, they retain their Etobicoke contracts, they are paid by the Etobicoke school board, but they will, in fact, teach with another

board. What this does is to move qualified, experienced teachers around from board to board where they are needed and allow those boards to retain their services. At the same time it maintains the seniority of those teachers with their original employing board and has worked very effectively.

To give you a very simple example, in Metropolitan Toronto, if Etobicoke had four history teachers who were surplus and Scarborough had a full-time teaching position for a history teacher available, then the most senior of the four surplus teachers in Etobicoke would be offered the job in Scarborough. In fact, the Scarborough board could not hire outside of Metropolitan Toronto until these senior qualified teachers, who are surplus with another Metro board, had an opportunity to get that job.

This maintains a fairness within the system in any given year. It allows teachers to return to their original employing board at the end of the year. It puts the situation back where it used to be.

One of the problems with teachers transferring to the other board or another coterminous board with a separate distinction is that then becomes a final and definite decision. Year by year, as the number of teaching positions increases with the separate board and diminishes with the public boards, we are concerned that the seniority of teachers who remain this year and perhaps next year with the public board, would then be jeopardized when there is no room left for them, even though students are leaving and their jobs have been lost because of the extension of funding.

A further area of concern we have is the many questions that have already arisen and will continue to arise dealing with the sick-leave gratuity. In Bill 30, there appears to be a question as to whether teachers, when they transfer as designated teachers to a separate school board, carry with them their sick-leave days simply for the purpose of covering their absence due to illness or whether, when those teachers retire from the new employing board, the separate board, they will be entitled to a sick-leave gratuity based on the years of contribution they have made. We feel they should be able to retain all of the rights they would have had, had they not been designated and transferred to that board.

**Ms. Gordon:** On page 24 there is a rather short section on the role of separate school trustees. I will bring this to your attention. Many of our concerns are already contained in the brief

submitted by the Metropolitan Toronto School Board.

On page 26, a section on financing public education begins, and I turn to Mr. Stein.

**Mr. Stein:** During the last 10 years, the share of education costs borne by the Ontario government has dropped from 59 per cent in 1975 to 38 per cent in 1984. In Metropolitan Toronto, of the \$1.29 billion spent by the Metropolitan Toronto School Board on public education, only 8.5 per cent comes from provincial grants, while the local taxpayers must bear 91.5 per cent of the cost.

Where is the money to come from for the extended funding to Roman Catholic separate schools? There is still uncertainty as to whether the new estimates of \$80 million in 1985-86, \$130 million in 1986-87 and \$150 million in 1987-88 are accurate. It is difficult to believe the Ontario government can provide such funds without robbing the existing public education system.

The Metropolitan Toronto School Board estimates it will lose \$71 million in tax revenue as of January 1, should Bill 30 pass as written. This shift in the tax base comes with insufficient warning to the public boards. The board of education for the city of Etobicoke has always sought to limit the education taxes to a reasonable amount. It does not foresee an immediate, massive shift of staff to the separate school board. Nor will there be any reduction in the operating and maintenance costs of its schools and other facilities.

In his statement to the Legislature on July 4, 1985, Mr. Conway stated, "For secondary school panels of boards of education experiencing a reduction in enrolment as a result of the expanded Roman Catholic school programs, a special provision will be introduced in recognition of the fact that there will be noninstructional costs and some instructional costs in the public secondary school system which will not be immediately transferrable to the Roman Catholic system."

Where are these special provisions? There is no guarantee that the Metropolitan Toronto School Board will be able to recover its \$71 million in lost revenue. The abrupt shift of tax revenue can only serve to further wound our Etobicoke public school system, which is already suffering the effects of declining enrolment. This situation appears to contradict the Minister of Education's first principle, the need to protect the viability of the public secondary school system.

With declining enrolment, the per-pupil cost of education escalates, since buildings must be maintained, each school staff has a principal and a vice-principal, schools must be staffed to offer a full range of courses, a minimum level of support staff must be provided at each school, and senior teachers with salaries at or near maximum are those who remain in the system.

Our administration in Etobicoke foresees an immense increase in the education taxes of the remaining public school supporters in order to provide the same level of service now being provided. There should be no additional financial burden placed on the local taxpayers.

Designated teachers who have not been placed with the Metropolitan Separate School Board remain the responsibility of the public school board. Will the province reimburse the Metropolitan Toronto School Board for the salaries of these teachers? If this is not the case, a public school board would certainly hesitate to designate teachers with qualifications in hard-to-place areas such as technical education.

In order to clarify the financial aid to existing public boards of education, we recommend that the guidelines for the provision of the special financial assistance to public boards be included in Bill 30.

As written, Bill 30 leaves many financial questions unanswered. There exists a great deal of confusion and concern around the issue of the payment of fees by Roman Catholic school boards to public school boards for the provision of secondary school education to children of separate school supporters, as outlined in subsections 136n(2), 136o(3) and 136o(4). Boards should be reimbursed for the true cost of the educational services provided.

Many programs, such as technical classes, remedial classes, classes for disabled children, etc., are far more expensive to provide than the average per-pupil cost in the secondary system. Will the Roman Catholic board pay the actual program cost or the lesser of the fee calculated by the public board or determined by ministry regulation? Will the separate schools be permitted to continue to provide a basic academic education while purchasing more costly programs at a cut rate from the public boards?

Should Bill 30 be in place for January 1, how will the tax revenue be apportioned for the 1985-86 school year? Students will be in a school system for the full academic year while the tax revenue will be allotted by calendar year. In addition, some Metro boards, including the Etobicoke board, have no record of the religion

of their secondary school students or whether parents are registered as public or separate school supporters. It will be a horrendous task just to determine for which existing students the Etobicoke board must, as of January 1, charge fees to the Metropolitan Separate School Board.

Problems also arise in the area of adult and continuing education. If the public boards are to continue to offer night school and summer school courses for credit to all students in their jurisdiction, it will be necessary to check the declared school support of every student and to charge fees on a cost-recovery basis to all separate school ratepayers and their children.

We recommend that the education taxes follow the student and that the taxes be prorated if students in one family are split between the systems.

**12:10 p.m.**

At the same time as public boards of education face this critical loss of tax revenue due to the extension of funding to the Roman Catholic separate schools, they are also faced with the impending loss of provincial grants because of the proposed change in the calculation of the average daily enrolment in 1986 as stated in ministry memorandum B4. In order to qualify as a full-time student, a pupil will now have to be registered for an average of 210 minutes or more per school day, rather than 151 minutes. We recommend that memorandum B4 be withdrawn by the Minister of Education.

**Ms. Gordon:** Once again, on behalf of the public secondary teachers in the city of Etobicoke, I would like to thank the committee for hearing us today and for listening to our recommendations and concerns.

The role of the planning and implementation commission also concerns us. We believe its powers as stated in Bill 30 are very far-reaching. The guidelines it is to establish are crucial and often without the force of law. We would ask you to review carefully the role and the mandate of this commission.

We believe Bill 30 represents the beginning of the end of the public education system in Ontario as we know it today. It is but the first step in the fragmentation process. Taxpayers who send their children to private schools are already clamouring for government subsidization.

Finally, the brief has been submitted by members of the executive, District 12, OSSTF. We have not had the opportunity to consult with our members because of the timing of the legislation and the summer vacation period. We therefore request the opportunity to return at a

later date before this committee, should concerns arise that have not been dealt with in our brief.

**Mr. Lane:** Your brief raises many important points. Something that really astonished me, and maybe I am reading it wrong, is that I understood under the present system your enrolment is slipping so badly that 116 teachers got their termination letters on May 31.

**Ms. Gordon:** That is correct. Many of those teachers will have jobs in Metropolitan Toronto or in Etobicoke, but at that time, and by our contract, that is the time when surplus must be declared, and those teachers did in effect receive letters of termination from the Etobicoke board.

**Mr. Lane:** Do you see that increasing in 1986?

**Ms. Gordon:** It increases every year. This year we believe permanent contract teachers in Metro will be protected within Metro and within the Metropolitan Toronto placement pool. I do not know if you understand what that means. There is a two per cent placement pool. Metro Toronto school boards already carry two per cent extra teachers, whom they use for supply teaching and various other teaching duties within the Metro Toronto area.

We have come very close to filling that two per cent pool this year, and it would be very unlikely that, either next year or the year after, permanent contract teachers will not be fired. There definitely will be probationary teachers who will lose their jobs this year.

**Mr. Lane:** I came in a little bit late. I understand Etobicoke does not have an agreement at this point for September 1.

**Ms. Gordon:** That is right.

**Mr. Lane:** Can you give us a guesstimate as to what the shift would be, what the change would be, if there was an agreement? Has there been any thought given to the numbers that would be involved as far as pupils and teachers are concerned?

**Ms. Gordon:** The students we will lose to the separate school system? I have asked our administration and they say they have no idea. That is the only answer I can get through them. I am concerned for our students, and I am concerned for our teachers.

All the projections do not take into account any shift in enrolment. In Etobicoke, the board has records of the religious affiliation and where the parents' taxes are directed in the elementary schools. They have not kept these records in the secondary schools.

**Mr. Lane:** I suppose in losing the kind of enrolment you have over the last number of years, you have more than sufficient facilities available?

**Ms. Gordon:** Our facilities are all in use right now.

**Mr. Allen:** Just a couple of brief questions. I guess I was a little puzzled where you are talking, on page 7, about implementation plans and consultation, and coterminous boards, and then later at various points in the brief you referred to certain problems in the transfer and designation process and what have you, which remain very unclear for you because of an absence of consultation.

I believe it is indicated in the planning and implementation commission's criteria that consultation should take place but that no public board may be permitted to arbitrarily hold up the approval of plans. It is difficult to have it both ways, not to have it all worked out and in place and, at the same time, to be in the situation of refusing consultation.

You might note that in Ottawa, for example, boards have proceeded to submit some very interesting and flexible designation and transfer processes, which I think meet some of your concerns. For instance, I think by assignment of service you mean the equivalent of secondment. You may know that in the Ottawa agreement, secondment arrangements seem to be working very well.

With respect to your question about sick-leave transfers—

**The Vice-Chairman:** You had a brief question, is that not correct? Do you have any other?

**Mr. Allen:** Could you clarify for me your concern about the purchase of service between boards? We keep hearing a concern from the separate schools' side that they will be asked to pay for services provided in a system with a very much richer delivery than they would normally provide. Of course, they look on themselves as very economical. On the other hand, I gather you are concerned they will be offered at the lower per-pupil costs of the separate system, or be demanded at that level. What is the price you are expecting them to ask, that they ought to pay, that concerns you?

**Ms. Gordon:** I believe that is the concern of the Metropolitan Toronto School Board. I believe it is just. It is that there will be a set rate for fees they will be allowed to charge the Metropolitan Separate School Board for a

student who chooses to remain in the public secondary school system.

The concern is there are certain courses—for example, a technical one which is very specialized and has a low pupil-teacher ratio. Instead of one teacher and 30 students, there may be one teacher and 15 students in a classroom. They believe courses which cost the public board more to deliver should result in a charge to the separate school board which is higher than that of a student following a regular academic program. In many areas of Metro, the separate school system does not offer technical education, for instance, and some of the other programs Catholic students have traditionally come to the public system to obtain.

**Mr. Allen:** Moving from the bottom of page 27, at the beginning of the last paragraph you state, "With declining enrolment, the per-pupil cost of education escalates." You give the absolute overhead costs that remain. I can see that.

Is it the same per-pupil increase you are referring to at the top of page 28 when you say, "Our administration foresees an immense increase in education taxes"? You talk as though there are absolute costs that are increasing. Are you really talking about per-pupil costs, or am I not following it correctly?

**Ms. Gordon:** I believe the concern of our administration in Etobicoke is over the loss of tax revenue and whether the special provisions that have been mentioned by the minister will cover that. They do not know what is going to happen in September. In any case, it is very hard to foresee the Metropolitan Separate School Board absorbing a large number of staff, both teaching and nonteaching, as of October 1, even if enrolments are seriously affected.

**12:20 p.m.**

They believe that, should Bill 30 pass in the very near future and this tax shift take place as of January 1, they are going to have to increase the mill rate to provide the same level of education as they now provide in the public secondary system in Etobicoke. Our board, sometimes not always to our liking, has always sought to have a reasonable education tax and to keep things at a level it feels comfortable with and feels the taxpayers will be comfortable with. They are concerned that the special provisions mentioned by the minister are not in writing anywhere. It is very difficult for them to project their finances, come January 1, without seeing the material in writing.

**Mr. Offer:** I note your efforts with respect to teacher redundancy in the face of severe declining enrolment in your area and your comments with respect to the bill on account of the voluntary teacher transfer; that is something we have heard about and are taking extremely seriously with respect to the bill.

As you know, under the bill, once a teacher is on a designated list due to the extension of funding and is offered a job and refuses, no more protection is afforded. Have you directed your mind to whether the teacher ought to be given an exclusion on the basis of objecting as a matter of conscience? If you have directed your mind to that question, can I get some sense of the result?

**Ms. Gordon:** Thank you for your question. We really believe a teacher should have that right. If, as a matter of conscience, as a matter of religious belief, a teacher feels he or she cannot function in a Roman Catholic separate school environment, that teacher should not lose all rights. Allowing for some kind of voluntary list would help alleviate that in some circumstances.

With our assignment-of-services model in Metropolitan Toronto, the basic rule is that if you turn down a job for which you are qualified, you lose your right. However, there are always special circumstances and special exceptions where the teacher is allowed to go and discuss the job with the principal and either side can say, "This will not work out in this instance." That same allowance has to be made in this situation.

**Mr. Offer:** I take it from your comment that in the event this objection were allowed, it would foster greater harmony in the working together of the coterminous boards with respect to this bill.

**Ms. Gordon:** Yes; I would assume so.

**Mr. Davis:** Thank you for the brief. I was interested in your designation of teachers on a Metro-wide basis on page 9. That is a novel concept and one we will take a hard look at, considering we do it with our public boards. That is good. I can assure you we are aware of the transfer facilities and how to deal with that. We will be looking at that as we go down the road.

There is a question I want to ask because I cannot seem to understand the matter. You declare in your brief that this year, in spite of the measures we use in Metro for the surplus, 116 Etobicoke teachers got letters of termination, 105 of them permanent contract workers. In the surplus procedures that kicked in April 15, the number of teachers who become surplus is identified by projected enrolments. As to your enrolments, if they hold from last year to this year, you are still going to have 913 designated

teachers. Even if you took the board's lowest recommendation, 897, it is a dislocation of only 41 teachers. Where do you find the 105?

**Ms. Gordon:** I will refer you to Mr. Pinnell. He is the chairman of the Metro staff allocation committee and I think he is the one to answer that.

**Mr. Pinnell:** Again, we are dealing with a Metro situation. We have been looking at this over the last six years. What you are looking at with 116 teachers is a backlog of six years of declining enrolment, because in Etobicoke it has been declining faster than in Toronto, North York, Scarborough, York or East York. We have been sending teachers out on this assignment-of-services model, and every year they come back to us.

**Mr. Davis:** So what you have done, in effect, during that period of time is that when you have put teachers into the surplus pool, you pull them all back for the April 15 deadline. You kick them back out again.

**Mr. Pinnell:** That is right.

**Mr. Davis:** In reality, though, the number of teachers who are declared surplus to the system this year only will be something in the neighbourhood of 40.

**Mr. Pinnell:** There are some teachers who have never received a letter of termination who got it for the first time this year. It would be more than 30 or 40. At the same time, there are some who would have got it in the past who did not get it this year. What this model does is to allow us to take into account changes in options—

**Mr. Davis:** So the 116 are from the past five or six years. They come back in, they all get letters of termination again and then they all go back into the pool if they do not get picked up across Metro. Out of those 116 who received letters of termination, the 105 permanent contract workers, how many of those contract workers were picked up last year by other boards?

**Mr. Pinnell:** Etobicoke had 41 teachers on assignment of services last year. At the moment we are looking at approximately 30.

**Mr. Davis:** How many were picked up by your own board?

**Mr. Pinnell:** In the Etobicoke pool last year we had about 16 teachers.

**Mr. Davis:** That is what I wanted. There were 16 teachers in the pool.

**Mr. Pinnell:** At the beginning of the year, I should emphasize.

**The Vice-Chairman:** Thank you. There is no guarantee at this point that we can offer individual districts of OSSTF an opportunity to come back before the committee; your umbrella group certainly will do so. However, if you have any further input and if we cannot put you back on the list, we encourage you to provide it to us in writing and it surely will be incorporated into our deliberations on the bill.

The final presentation this morning is from Mr. and Mrs. Malcolm Buchanan and family.

#### MR. AND MRS. MALCOLM BUCHANAN AND FAMILY

**Mr. Buchanan:** Mr. Chairman, I would like to take this opportunity to introduce my family to the standing committee on social development. Next to me is my wife, Pamela; next to her is my youngest son, Gordon, and next to me is my older boy, Robert.

I also have for the committee—and you might like to share it a little later—an interesting fable to an old problem. I have copies for the committee. I believe you also have copies of our submission.

We would like to thank the committee for this opportunity to come before you today. Our remarks will focus on a number of topics, including, first, the principle of extending public funding; second, Bill 30, An Act to amend the Education Act; third, process; fourth, conclusion, and fifth, a number of recommendations.

We wish to go on record as opposing the principle of extending public funding to Roman Catholic separate secondary schools and Bill 30, the instrument by which this divisive principle will be implemented.

We would like to make it absolutely clear to the members of the committee that we would take a similar position if the government were proposing to extend funding to any group, such as Scientologists or the Flat Earth Society. It so happens that the government is proposing to extend public funding to Roman Catholic separate secondary schools, which we contend is equally wrong and divisive.

**12:30 p.m.**

The government's proposal is divisive because special privilege will be granted to one special group at the expense of all other groups in Ontario's multifaceted society. We believe that in a pluralistic society such as ours, which can be characterized as multilingual, multiracial and multicultural, a shared educational experience is important in fostering tolerance and understanding in others.

We believe in a public education system that brings together young people of all abilities, regardless of sex, race, age, religion or economic status. We believe young people should play together, work together, learn together and perhaps fight a little together. In this way they would develop the tolerance and understanding of others that is essential to the maintenance of a free democratic society.

We do not believe young people should be segregated on the basis of religion or any other reason. Like others who have come before this committee, we believe public education must adhere to a set of established principles. It should be open and available to all students; not discriminate in hiring, promotion, evaluation and dismissal on the basis of sex, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex and so on; be open-minded to the critical evaluation of all points of view; educate students to develop their critical faculty and not indoctrinate one truth, be it religious, political or economic; and promote the common good of all society.

Bill 30 does not clearly address these principles and, in some cases, promotes exactly the opposite. If the committee believes in a democratic society, equality for all and the principles stated above, then there are only three realistic options open to the committee.

Bill 30 should not be reported back to the Legislature; the committee should propose one common, publicly funded secondary school system, and it should propose a system of unified school boards throughout Ontario as a third alternative.

Reference has been made to both doctrines A and B and we will not repeat them here. We believe, however, that option C, the concept of unified school boards, has merit and should be given serious consideration by the committee as a realistic and responsible alternative to the current divisive proposal contained in Bill 30.

It is our opinion that unified school boards would alleviate most of the problems inherent in a dual educational system supported from public funds. A system of unified school boards would provide services to their communities while maintaining and preserving the integrity and character of separate, francophone and public secondary schools.

A number of teacher organizations, public school trustee organizations and other groups have recognized the logic of the concept of unified school boards. There is increasing evidence of growing public support for the

concept that would bring young people together rather than segregate them.

On page 3 of our submission there are a number of other ideas and suggestions that make the unified school board concept a worthy alternative to Bill 30.

We believe Bill 30 and the principle of extending public funding to Roman Catholic separate secondary schools is in violation of subsection 15(1) of the Canadian Charter of Rights and Freedoms because it constitutes discrimination in favour of Roman Catholic school supporters based on their religion and, conversely, it discriminates against all other citizens and taxpayers.

We believe Roman Catholic schools are an anachronism. Separating children by religion is a 19th-century concept, and we would urge the committee to so concur.

Those attempting to justify Bill 30 and the extension of public funding refer repeatedly to the separate school rights enshrined in the Constitution Act, 1867. We believe the only rights guaranteed refer to the laws and rights in existence at that time, and they were those of the common schools. They do not guarantee the Roman Catholic separate schools expanded rights during the latter part of the 20th century.

Advocates of Bill 30 also base their arguments on perceived guarantees enshrined in the Constitution Act of 1867. If this rationalization is followed to its conclusion, then the committee would also have to accept the logic of extending other injustices that were in existence in 1867. Since women were regarded as nonpersons in 1867, then the committee would have to support extending this gross injustice to today's society.

We are not advocating this reactionary point of view. To the contrary, we oppose all forms of injustice and discrimination. However, the advocates of Bill 30 are using similar logic to promote acceptance of extending public funding to one specific religious group. We believe this is undemocratic and discriminatory.

We firmly believe parents, not the government, have the primary responsibility for teaching their children moral and religious values. We do not believe any one religion has a market on moral values and religious truth, nor do we believe public funding should be granted to any religious organization to promote its particular religious bias. Simply put, the church has no place in today's public education system.

Bill 30 will grant special, privileged status to one religious faith at the expense of all others. This is totally indefensible under the conditions

of today, in which we are steadily progressing towards an egalitarian and secular society. Bill 30 defies logic and common sense. In fact, we firmly believe Roman Catholic schools have outlived their usefulness, especially at the secondary level. As we stated previously, Roman Catholic separate schools are an anachronism. Separating children by religion is a 19th-century concept. Surely we are prepared to progress and not be held hostages to old perceived arrangements.

With all due respect, the committee has a responsibility and a duty to decide whether one religious organization should receive special privilege and status. If special privilege is granted, will the Roman Catholic church now become the favoured and official religion of Ontario?

We respectfully request the standing committee on social development to consider and answer these questions.

The first question is, what role will the Roman Catholic church play in determining curriculum content and direction in public secondary schools operated by Roman Catholic school boards?

The rationale for this is as follows: Representatives of the Roman Catholic education community have publicly stated Roman Catholic schools have a distinctive mission, that is, to promote the Roman Catholic faith and the current positions of the church. A leading Roman Catholic educator, and his name was alluded to earlier in the previous presentation, John Fauteux, president of the Ontario English Catholic Teachers' Association, has been quoted as saying the following:

"There is a sense of security about teaching in a Catholic school. It means I can give a straight right or wrong answer to many questions, where a public school teacher would not be free to draw a conclusion for the students. For us, there is often a correct answer, based on the official position of the Catholic church, through Vatican II." In a way, it is easier to teach in a Catholic school.

Although one may not disagree with set answers to a number of questions, they do constitute the current views of the Roman Catholic church. What will be the status of other views and values that do not conform to official Roman Catholic church values and positions? Will they be tolerated? We believe a publicly funded school system must be open-minded to the critical evaluation of all points of view. Students should be taught how to think and not what to think.

The second question is, will the Roman Catholic church continue to have access for political purposes to the students who attend Roman Catholic secondary schools?

As to the rationale for that question, committee members will remember that the Metropolitan Separate School Board, with the urging of Cardinal Carter, bused students to staff picket lines outside Dr. Henry Morgentaler's clinic during regular, scheduled class time. We do not believe students should be used as pawns in the political adventures of a particular religion.

We urge the committee to develop legislation to ensure that the Roman Catholic church, or any group for that matter, cannot impose its political aims and views on students attending public secondary schools in the event Bill 30 does indeed proceed.

The third question is, will the Roman Catholic church have input as to the hiring of staff for public secondary schools operated by Roman Catholic separate school boards?

The rationale for this is as follows: If a Roman Catholic separate school board should elect to assume the powers of a public secondary school board—section 136a of Bill 30—the committee must determine whether the board will be able to discriminate on the basis of religion when it comes to the hiring of staff.

**12:40 p.m.**

What will be the status of pastoral letters? Do they have the force of law? Would they be valid if public funding is extended?

The committee has heard presentations by various Roman Catholic educational organizations requesting that they have the right to hire and fire staff based upon conformity to Catholic truths.

Presentations have also been made to the committee that Roman Catholic separate school boards do not want teachers or staff to discuss or express their personal views on subjects such as divorce and abortion, especially if these views are at odds with those of the Catholic church.

Who would decide what is at odds with the church? Much has been stated regarding denominational rights and denominational cause as grounds for hiring and firing staff. Who determines what is denominational cause?

Has the committee requested from Roman Catholic separate school officials a written statement defining what they mean by denominational cause? Will denominational cause be a valid reason to fire personnel if Bill 30 should receive royal assent?

We request that the standing committee on social development develop legislation that will protect the rights of all employees of Roman Catholic separate school boards, consistent with the Canadian Charter of Rights and Freedoms.

We would also like to ask what status the following declaration clause will have. I have reproduced the draft document that was part of the Halton Roman Catholic Separate School Board. It may well be the document when they are working. It states: "Should I gain employment, I agree to publicly support the school system and to maintain a lifestyle and deportment which is in harmony with its teachings."

Who would determine that? We have some grave concerns as to the implications on fundamental rights of individuals. Surely such declaration clauses have no validity, and we request that the committee would so state.

Will the Roman Catholic bishops' position, that there should be quotas regarding the number of non-Catholic teachers teaching in any one separate high school, have any validity and influence in determining who gets hired?

The rationale is very simple. It is our contention that the extension of public funding, if granted, imposes new responsibilities and obligations on the Roman Catholic school boards. With extended funding goes the loss of any denominational rights regarding hiring, employment, evaluation and promotion practices. We request that the committee would make this a condition in the event that Bill 30 is adopted by the Legislature.

We are also gravely concerned as to the impact Bill 30 will have on the existing public secondary system. Fragmentation and needless duplication will well result. We do not believe Bill 30 will improve the quality of education in Ontario. The committee has received numerous presentations from teacher organizations, and yesterday from the Ontario Secondary School Principals' Council. The committee has also received a minority report from the planning and implementation commission by John Fraser, who has expressed grave concerns as to the educational opportunities of many youngsters who live in the smaller, more isolated areas of the province. We fully concur with those concerns.

Perhaps it would be wise for the standing committee to question the members of the planning and implementation commission as to whether the recommendations approving separate school plans have adhered to the set guidelines of the commission. Has the commission realistically costed the separate school board

plans? Has the commission accurately determined procedures regarding displaced teachers? Are all separate school plans consistent with the commission's guidelines?

We think there are some serious questions that have to be addressed by this committee to the planning and implementation commission.

At this time I would like to ask my wife Pamela to address Bill 30.

**Mrs. Buchanan:** Bill 30, An Act to Amend the Education Act. It is not our intention to comment on every section of Bill 30. We will limit our remarks to several sections only.

First, Bill 30 is a licence to discriminate. Clause 136(5) makes this abundantly clear. After 1995, Roman Catholic separate school boards that operate public secondary schools will have government approval to discriminate on the basis of religion.

We have brought our two sons, Robert and Gordon, with us today so they can hear directly from you about how Bill 30 will affect their future rights and job opportunities in the proposed dual publicly funded educational systems. They would like to know, if they should decide to become secondary school teachers, whether they will have the same rights as practising Roman Catholics. If they should apply for secondary teaching positions offered by a public school board, they will compete with all qualified applicants regardless of race, colour, religion, etc., which is as it should be. However, if they should apply for secondary teaching positions in public secondary schools operated by Roman Catholic separate school boards, their religion, or lack of it, will be held against them.

Simply put, qualified teachers who are Roman Catholic will have equal opportunity for teaching positions offered by both systems, while non-Catholics, our sons, will have only the choice of one. We believe this is blatant discrimination and contrary to both the Charter of Rights and Freedoms and the Ontario Human Rights Code.

Tell them they are not good enough to teach in a separate high school; tell them they are second-class citizens; tell them you support government-sanctioned discrimination at public expense, supported by their taxes; tell them the Canadian Charter of Rights and Freedoms does not apply to them because they are not practising Roman Catholics.

We oppose Bill 30 because it is discriminatory and it represents a giant leap backwards in human rights and equality. If Bill 30 receives royal assent and allows discrimination based upon

religion, it will be a sad day for Ontario and public education.

Section 136o is equally dangerous. We cannot tolerate a situation where a publicly funded school system can deny students access on the basis of accommodation. Publicly funded schools must be open to all. That is the mainstay of democracy and no restrictions can be applied.

Subsections 136o(6) and (7) refer to religious education and instruction. We do not believe any school system that is publicly funded can offer religious instruction. Public moneys cannot be used for religious indoctrination. The standing committee on social development should consider legislation that clearly states that one of the obligations and responsibilities of accepting public funding is that no religious instruction will be tolerated. This also includes religious exercises.

The present wording in Bill 30 would allow separate school boards to continue to offer and demand that students participate in religious exercises and take religious courses in Roman Catholicism. At the very least, if separate school boards accept the responsibility to perform the duties of a secondary school board, then all students and all parents must have the right not to take courses in Roman Catholicism or to participate in any and all school religious exercises. Students must have the option to participate and not be forced to participate.

Since the day former Premier William Davis announced his edict to extend public funding to Roman Catholic secondary schools, democracy has taken a back seat to political expediency. To the best of our knowledge, the former Premier did not even consult with his cabinet, the Minister of Education or the Conservative caucus until minutes before he made his surprise announcement on June 12, 1984.

During the recent provincial election, none of the three major parties sought a mandate from the electorate on this significant social policy. In fact, there was a conspiracy of silence on the issue among the three parties, thereby denying the electorate the opportunity to discuss the merits of the decision. As a result, many voters considered themselves disenfranchised.

We believe the election results of May 2, 1985, do not give any political party the mandate to proceed with the proposed extension of funding. Notwithstanding the above, we believe the current process being followed regarding Bill 30 makes a mockery of the democratic process.

12:50 p.m.

First, Bill 30 is rammed through first and second readings of the Legislature.

Second, open and unfettered public hearings on the proposed legislation are in progress. However, one is forced to question how these hearings will achieve anything since all members of the standing committee voted in favour of the proposed legislation. We would like to know how the public interest is being served in these hearings. Who on the committee represents the significant number of Ontarians opposed to Bill 30? In our opinion, the whole exercise resembles a Star Chamber scenario. Democracy is not being served.

Third, the Attorney General (Mr. Scott) has referred Bill 30 to the Ontario Court of Appeal for a constitutional ruling.

Fourth, the Liberal government has stated it will not ask the Legislature to give its final approval to Bill 30 until the court has released its decision.

Fifth, the Liberal government has announced it will provide interim funding to implement Bill 30 to separate school boards whose plans have been approved by both the planning and implementation commission and the Minister of Education.

We think this procedure is neither proper nor legal. We share and support the views of those people who say the existing Education Act does not empower the cabinet to give Ontario's separate school boards the authority over secondary education and the right to spend money for secondary school purposes. The Liberal government's decision to grant interim funding without the necessary legislation is putting policy ahead of the law.

It is an understatement to say the Liberal government has put the horse in front of the cart, even before the constitutional road has been cleared for the horse and cart to travel on.

Therefore, we would request the standing committee on social development to direct the Liberal government not to proceed with its intention to grant interim funding to separate school boards for the purpose of providing secondary education until the courts have ruled on the constitutional validity of the proposal.

**Mr. Buchanan:** In conclusion, we would like to say once again that Bill 30 and the underlying principle to extend public funding to Roman Catholic separate secondary schools are directly opposed to the ideals of the democratic people of Ontario.

We believe that in an age of increasing public awareness and abhorrence of any system which

segregates communities and denigrates the rights of individuals, this proposed legislation merely compounds historical decisions which were made on the basis of class and privilege. We believe the standing committee on social development has a wonderful opportunity and a responsibility to redress the 19th-century obsolescence called "separate schools."

I will leave you with a challenge. My wife has mentioned to you that our sons will not have the same status, and we would urge you, as members of the committee, to answer that question before we leave here today. Do our boys have the same rights as practising Roman Catholic graduates from faculties of education? Will they receive the same rights and job opportunities if Bill 30 is applied? If Bill 30 proceeds as currently worded, what will be the opportunities for my sons in receiving a job in a publicly funded secondary school operated by a Roman Catholic separate school board? I believe we have a right to know, that my sons have a right to know, and that many hundreds of thousands of other people in this province want to hear that answer.

We live in 1985, not 1867. I believe we can progress together to a more enlightened age by supporting one public, common, secondary school system to meet the needs of all people and all students, therefore making a better Ontario.

**The Vice-Chairman:** Thank you very much. Are there questions from committee members?

There are no questions from the committee, but I might just point out that there is no assumption to be made that this bill is going to be passed in its present form; in fact, as a committee member, after being involved in—I am not sure whether it is the sixth or seventh week now of committee hearings—seven weeks of hearings, I would assume there will be many major amendments to this bill. So your question is impossible to answer yet, but I suspect the answer at the end of this process will be quite different from what it would be if we tried to answer it under the present version of Bill 30.

**Mr. Buchanan:** I take it you are referring specifically to the rights of my children?

**The Vice-Chairman:** To your last question, yes.

**Mr. Buchanan:** Thank you.

**The Vice-Chairman:** As there are no questions, we do appreciate all four of you coming before the committee and presenting your views. We will resume hearings at two o'clock this afternoon.

The committee recessed at 12:59 p.m.

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**From the Association of Directors of Public Boards of Education in the Province of Ontario:**

Dodds, D., Member, Steering Committee; Director of Education, East York Board of Education  
 Hempstead, H., Member, Steering Committee; Director of Education, Renfrew County Board of Education  
 Willms, W., Chairman, Steering Committee; Director of Education, Windsor Board of Education

**From the Ontario Secondary School Teachers' Federation, District 12, District of Etobicoke:**

Gordon, L., President  
 Pinnell, D., Vice-President  
 Stein, J., Political Action Officer  
 Buchanan, M., Private Citizen  
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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Tuesday, August 27, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Tuesday, August 27, 1985**

The committee resumed at 2:09 p.m. in room 151.

### EDUCATION AMENDMENT ACT

(continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** I will call forward the first group, the Northumberland and Newcastle Board of Education. Mr. Walker, will you be the main spokesperson?

**Mr. Walker:** Yes. I will read the brief. I have with me our director of education, Dr. Tushingham.

**The Vice-Chairman:** Do you want to proceed either by taking us through the brief in its entirety or by summarizing it? Then we will have questions.

### NORTHUMBERLAND AND NEWCASTLE BOARD OF EDUCATION

**Mr. Walker:** I think I will go through the brief in its entirety. It is very brief.

The Northumberland and Newcastle Board of Education welcomes the opportunity to appear before the commission to present the views of the board on the subject of full funding of separate secondary school education.

The announcement made by former Premier William Davis on June 12, 1984, and confirmed with the introduction of legislation on July 4, 1985, represents an initiative that is not supported by the Northumberland and Newcastle Board of Education. The board believes the extension of funding will adversely affect the quality of education offered by the public boards in this province and, specifically, the programs offered in Northumberland and Newcastle. The board expresses serious concerns about the province's ability to fund adequately two publicly supported school systems.

The board is responsible for the operation of 58 schools, including eight secondary schools, 45 elementary schools and five schools for trainable retarded children. Our school population as of June 30, 1985, was 17,706 students. Continuing decline in overall enrolment is expected unless substantial migration of families

into the present system compensates for the lower birth rates.

I might just add that this system had about 23,000 to 24,000 in the mid-1970s. We are now down to 17,706. Our projected figure by 1989 is 16,500. This means that by 1989, if you include the drop caused by the departure of separate school youngsters, it is going to be quite a bit fewer than 16,000.

Six of the eight secondary schools operated by the board have enrolments of under 900 students. For the most part, owing to the rural nature of the jurisdiction, it would be unfeasible to close any of our schools and bus students to another location because of the distance.

With the demands of Ontario Schools, Intermediate and Senior Divisions guidelines and the already declining enrolments, the loss of additional students to the separate school board will seriously jeopardize a local school's ability to offer a full range of programs efficiently without considerably increased costs to the local taxpayer.

It should be emphasized that secondary school programs are tremendously varied and require a wide range of sometimes very expensive facilities and equipment. Consequently, a large number of students must be assembled in one place to permit the course offerings required under the Ministry of Education guidelines.

With the approval of a second fully funded secondary school system and subsequent loss of enrolment, it will be more difficult for our schools to continue to offer a wide range of programs. Courses in family studies, music, art, technological studies and environment science could be adversely affected. Some specialized courses at the senior grade in art, instrumental music and modern languages could be eliminated earlier than expected.

The steadily increasing local cost of education is a concern to both the board of education and municipal councils. In Northumberland and Newcastle the local share of costs for education has grown from approximately 30 per cent to 41 per cent during the past 14 years. The decline in provincial support of education costs has served only to aggravate the impact on the local mill rate and has given rise to numerous demands that

some action be forthcoming to alleviate the burden on the local taxpayer.

In some rural municipalities the education levy has accounted for as much as 70 per cent of the total property bill, and this has created an unhealthy atmosphere of dissension and criticism among local government bodies. As an assessment-poor board, we are placed in an inequitable position in attempting to provide the quality and variety of programs currently being offered in larger boards of education. This situation will be further exacerbated with the loss of separate school secondary students.

For the past few years, the board has been required drastically to cut its expenditures on all student supplies and cut consulting staff in programs such as music. Due to insufficient funds being available, it has not been possible to complete even some minimum building maintenance requirements. I might add that in 1985 we are spending approximately \$1 million on this item. We really require \$2 million to do an adequate, proper job.

The board fears that unless additional funds are available through the Ministry of Education, its buildings will continue to deteriorate at an unacceptable rate. Also, due to the limited funds available, the board has been unable to introduce a junior kindergarten program and to provide full transportation facilities for all its French immersion students.

Although there is some attempt in the legislation to safeguard the public school system, the board questions the ability of the ministry and the province adequately to fund two publicly supported systems. What is likely to occur is a further dilution of the public school system and its ability to offer quality educational programs.

In October 1983, Dr. Bette Stephenson, then Minister of Education, gave a concise and valid commentary of the social benefits of the single secondary school system, open to all regardless of race, religion or socioeconomic status, when she stated:

"In this context, I think it is important and necessary to reaffirm the general merit and the value of the universally accessible, publicly supported school system, a system which I believe contributes to consensus and is a countervailing force against social fragmentation.

"In a pluralistic society such as ours, which can be characterized as multicultural, multiracial and multilingual, a shared educational experience is important in fostering a common culture. Unity through shared experiences can be a

countervailing force to factors which split and fragment society. Indeed, the school system may well be the only common, noncommercial learning and socializing experience for our young people."

The Northumberland and Newcastle Board of Education believes that one of the prime purposes of public education is to support the development of a common culture so that the social fabric of this province is not fragmented. A decision to fully support two publicly funded school systems will only serve to divide society.

During the next few years, as teachers are declared redundant from the public school system and secondary schools are required to reduce program offerings and some are perhaps required to close, a strong negative public sentiment is certain to be expressed.

The board appreciates the decision by the government to refer Bill 30 to the Court of Appeal and to delay final reading until the constitutionality question is clarified. We oppose the decision, however, to commence funding the separate school secondary program in September 1985 by cabinet decree. The legality or propriety of proceeding at this time and in this manner could also be challenged. As important, however, is the government's intention to govern by fiat.

The Northumberland and Newcastle Board of Education strongly believes the government's plan to extend public funding for Roman Catholic secondary school programs should be reconsidered. Furthermore, should the legislation proceed and be approved, the government must guarantee that the extension of funding will not be at the expense of the public school system.

The Northumberland and Newcastle Board of Education urges the government of Ontario to reconsider its position to extend full public funding for the Roman Catholic secondary school programs. The board believes that to proceed at this time will adversely affect the public schools' ability to continue to offer quality educational programs.

Thank you for your kind attention.

**The Vice-Chairman:** Thank you very much. Any questions from the committee?

**Mr. Allen:** Gentlemen, thank you for your brief. I wonder if you could tell us, first of all, the name of the Roman Catholic separate coterminous board.

**Dr. Tushingham:** It is the Peterborough, Victoria, Northumberland and Newcastle Roman Catholic Separate School Board.

2:20 p.m.

**Mr. Allen:** Could you give us some quick reminder as to the nature of the plan they submitted this past year and your reaction to it?

**Dr. Tushingham:** The plan they submitted for this year, as of September, would mean implementation of programs in only two parts of our jurisdiction for the immediate future. One is in the Bowmanville area, the other in the Port Hope-Cobourg area.

I might add the two boards disagree somewhat over the impact of the proposed extension. However, in the first year we are estimating we will lose approximately 61 students to the separate school board. In a five-year period that number will increase to about 252 per year, a total loss of about 800 students, assuming the board only operates schools in those two areas.

**Mr. Allen:** You said the numbers transferring would climb to 200 a year at the maximum, totalling, you feel, at the end of the transition period, something on the order of 800.

**Dr. Tushingham:** If the separate school board continues to plan to operate schools in Bowmanville and Port Hope-Cobourg only. If they decide to expand into Campbellford or Brighton, that number would change.

**Mr. Allen:** What number of teachers have you designated this year, if any, as being redundant as a result of extension?

**Dr. Tushingham:** We really felt we would have the equivalent of 3.0 full-time redundant. As it has turned out, we do not have any redundant teachers at this time.

**Mr. Allen:** Were they absorbed back into your system or just simply never in the numbers anticipated?

**Dr. Tushingham:** Yes. I must admit the separate school board has been very co-operative in offering to take on those teachers. That is not our concern now, although ultimately it will be.

**Mr. Allen:** Have you worked out a formal agreement with them to handle those transfers or have you simply followed the basic mechanism of the planning and implementation commission and proceeded on a pragmatic basis?

**Dr. Tushingham:** We have followed the basic guidelines of the commission, but the two boards have met and tried to work out an understanding.

**Mr. Allen:** Are there specific problems that arise for you around the Bowmanville and Port Hope-Cobourg proposals? Do they entail the proposed transfer of an institution or two? What is the proportion of that in the future, as you see it?

**Dr. Tushingham:** I would expect that within the next five years the separate school board will probably want to consider one of our two schools in Cobourg. As we mentioned in the brief, because of the nature of the jurisdiction, it will be the only area where the board would have to consider giving up a school because the distance between schools is somewhere around 20 to 25 miles. Cobourg would be that exception.

**Mr. Allen:** What is the nature of that facility?

**Dr. Tushingham:** There are two schools in Cobourg. One is a fully comprehensive school. The other basically offers an academic program with a very limited technical option.

**Mr. Allen:** You are flipping some things back into my memory. Is it Cobourg District West Collegiate Institute that is academic and the smaller of the two? Is that the one with which they have intimated they would prefer to go? Has there been any intimation you have heard to date?

**Dr. Tushingham:** There has been no discussion at all about the separate school board wanting either of those two schools at this time.

**Mr. Allen:** I wanted to get those facts clear.

**Mr. Offer:** I, too, would like to congratulate you on your brief and its contents.

I would like to go into the projected student loss for a moment. You have indicated approximately 61 students would be lost in the first year, rising to approximately 200 per year thereafter for a five-year period.

**Dr. Tushingham:** We project it will be 252.

**Mr. Offer:** Could you tell me the basis on which that projection was made?

**Dr. Tushingham:** I will try to do that succinctly. What we tried to do was look at the number of students who traditionally have moved from the grade 8 program in the separate school into the public secondary school. When we looked at the current grade 8 enrolments in the public and separate schools, we tried to use the separate school data with respect to trying to estimate the number of those youngsters who would come to the public board as opposed to the separate one.

Based on those two reviews, we estimated that very conservative number, I might add, of 61 in the first year and 252 following that period, but I must admit it is really a projection. It is very soft information at this point, because until September rolls around, and the one following, we really do not know for sure.

**Mr. Offer:** I understand the difficulty assessing the impact at this point. However, this is not

in any way, shape or form based on 100 per cent of all Roman Catholic students.

**Dr. Tushingham:** Absolutely not.

**Mr. Offer:** You indicated the boards have met in the past to discuss certain matters. Can you give me some idea of when they might first have met? Is it recently as opposed to longer ago?

**Mr. Walker:** I believe we met with them in mid-spring.

**Mr. Offer:** Is that when they first met?

**Mr. Walker:** I might be incorrect on that. A report had to come in by the end of March or the end of April. It was prior to that and it was for June 1985.

**Mr. Offer:** Did you meet with Bill 30 in mind?

**Mr. Walker:** Yes. We did not know what the bill was.

**Mr. Offer:** Of course. I am sorry, that is right. Was this meeting formal as opposed to informal? What was the makeup?

**Mr. Walker:** It was a semiformal meeting, a very jovial one I might add; no blood was let or anything like that. It was very good.

**Mr. Offer:** Could you tell us about what was discussed? I am asking what the subject matter of this one meeting might have been and your opinion as to where this informal board, maybe to be formalized, may go in future.

**Mr. Walker:** I will defer to Dr. Tushingham. He was secretary at that meeting.

**Dr. Tushingham:** We talked about two things basically: the projected enrolment for September and the long-term, five-year enrolment, trying to decide on which set of information was more accurate. We spent a long time talking about that.

We also talked about the possibility of the separate school board purchasing service from us, for example, in technical and business subjects. Subsequent to that meeting, we had a number of others with the administration, and the board will sell service to the separate board this September for technological studies in Cobourg.

**Mr. Offer:** Are any meetings scheduled for the future?

**Dr. Tushingham:** We have a meeting at the staff level scheduled for early September, but beyond that, we are waiting to see what happens to the legislation.

**Mr. Allen:** I have a brief supplementary. With regard to selling technical services, some questions have been raised by a number of presenters about the basis of purchase of services of that

kind. How did you work yours out as to costs? Are full costs being recovered for you?

**Dr. Tushingham:** That is a very difficult question to answer. We looked at what we thought would be reasonable and it works out to about 1.4 times the normal cost of other programs. At this time, it is our best estimate of what costs will be. Until we really get into it and have some more detailed bookkeeping, that is the best we can do.

**Mr. Allen:** However, you have a satisfactory arrangement as far as you can tell at this point.

**Dr. Tushingham:** The board has accepted selling the service at that cost.

**The Vice-Chairman:** Thank you very much for coming before us. We heard a bit about the circumstances in your area when we were in Kingston and it is good to hear from your board as well.

**Mr. Walker:** Thank you very much for listening to us.

2:30 p.m.

#### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION, DISTRICT 13, NORTH YORK

**The Vice-Chairman:** Next we have the Ontario Secondary School Teachers' Federation, District 13. It is brief 528. I have been wrong on so many names today. Do you want to introduce yourselves?

**Ms. Barkley:** My name is Liz Barkley. I am the president of OSSTF, North York, and a member of the Ontario Teachers' Federation board of governors. This is Peter Englehutt, who is vice-president of District 13, North York.

**The Vice-Chairman:** You may proceed in any way you want. You can take us through the brief in summary form and then we will have questions. It is up to you.

**Ms. Barkley:** Half and half.

**The Vice-Chairman:** Great.

**Ms. Barkley:** I realize before I start that many of the things I am going to say here are reiterations of things with which you are probably waterlogged by now. Because our teachers feel so strongly about it, however, it is necessary that they hear us state their very real concerns. We represent 2,053 teachers. We may not by now, but in June we did represent 2,053 teachers. We are speaking on their behalf and thank you for allowing us to bring forward our concerns and recommendations.

Our teachers are committed, as are most teachers in OSSTF, to a school system accessible to all regardless of race, sex, language, religion, academic abilities, ethnic origin or economic circumstances. We believe that only such a system can serve the needs of a complex multicultural and multiracial society. We are completely committed to a secular, nonsectarian system of education.

We are not now, nor have we ever been, in favour of discrimination on any grounds at all, and certainly feel abhorrence that our province faces the very real possibility that discrimination will be enshrined in law. We are appalled that one religious denomination will be given a preferential position in our province.

The extension of funding is a forced march backwards for our society and we are completely opposed to it. Ontario in the 1980s is a radically different society than it was at Confederation. This should be reflected in the laws that govern us. Laws that relate to education should be carefully thought out, involving extensive interaction—which is what is lacking—with our citizens. Laws that govern education should reflect the needs of the citizens they serve. This bill does not.

The extension of funding to one religious denomination goes against the needs and the desires of a growing majority of the citizens of Ontario. We hoped the results of the last election would have sent our parliamentary representatives a message. We believed our members of the provincial parliament would at least slow down the process to hear from and to listen to the voters. We were sadly mistaken.

In the last election, many of us did adhere to the parties, as we were working for a minority government. I certainly adhered to the party of which I have been a member for 10 years now. A growing number of people who support public education are orphans in the political process and, more and more, have no one to look to. We hope that will change.

The community of North York is a modern cultural mosaic. In the public secondary schools we serve every colour, nationality, religion and economic class that exists in Ontario. Our schools are like the United Nations. The diversity has been exciting and challenging. The public secondary school teachers in North York, along with our trustees and administrators, have worked diligently to build racial and religious harmony among our students. Our board has passed a policy on affirmative action for racial minorities.

This year, two school boards in Canada, one of which was the North York Board of Education, received a national award from the Multicultural Interracial Association of Canada. The award was given in recognition of the excellent work done in the North York public school system in the areas of heritage language and race relations.

I should point out that this has taken a long time in coming, to build the kinds of courses we have in the schools that can meld together and have a mutual understanding among the different races and religions that exist in our community. We are very proud of what we have achieved. We believe the direction the present government is taking will go a long way to unravelling our progress. Instead of building tolerance and mutual understanding, we believe Bill 30 will lead to fragmentation, division and intolerance.

If Bill 30 is deemed to be constitutional, if one religious denomination is granted public funds for religious education, can other religious denominations be far behind? You heard the presentation yesterday and there was an appeal for funds for many other religious denominations.

I started my teaching in Quebec and cannot agree with what the gentleman who made the presentation yesterday said this morning on CBC. I taught with the Protestant school board of Greater Montreal, which is divided on religious lines. I taught physical education and history at Rosemount secondary high school and across the street was a very big Catholic secondary high school.

It was my first four years of teaching. I assumed that when we played basketball, volleyball or any of the other things you do in physical education, we would at least play exhibition games with the school across the street. We did nothing with the school across the street, and there were many fights among the students. A gentleman said yesterday that other places have funding for different religions and there is religious harmony. That is not true. That was one of the major reasons I left Quebec.

It is interesting to note that Quebec is being very progressive and marching diametrically opposite to the way Ontario is going. What they are attempting to do is break down the religious lines in the Quebec educational system, even as we speak here together. They are going in a different direction to the one which, through their own experience, they think is destructive.

**Mr. Englehart:** Besides being vice-president of the North York federation, I have also had many years as a political action chair. Therefore,

I am very concerned with the democratic process in this province. We feel it is essential as educators of the young, as teachers who attempt to instil in our students high moral standards, including in public affairs, to condemn the total violation of the democratic process.

We are faced with a far-reaching change, one that will change the social fabric of Ontario. The ramifications of these changes were never studied. How will programs, community schools and employees of the public school board be affected? This was not examined. How will a new system of education be paid for? Who knows. There was no consultation with the citizens of Ontario nor was there any debate in the Legislature. It has become abundantly clear to us that a majority of the Ontario populace does not agree with this policy. What does the government do in the face of this disquiet? It forms a committee to listen to concerns. One normally hopes, when making a presentation to a government committee, there is a possibility of affecting policy. We know in this instance that is not to be the case.

The extension of funding is a fait accompli. We know there will be presentations to this committee until at least Thanksgiving. We also know these will be useless. The Minister of Education has announced that while the constitutionality is being decided, while these hearings are going on, "The government will proceed by way of amending the general legislative grant regulation to extend funds to Roman Catholic school boards ready to proceed this fall whether or not the bill is law." This is a wonderful lesson in democratic procedures for our young people.

While we, the teachers of North York, remain adamantly opposed to the extension of funding, we urge you at least to delay the implementation of Bill 30. At a minimum, this delay should apply until the constitutional question is determined, the finding is clarified, and the population of Ontario can be heard from.

The supporters of public education were disenfranchised in the last election, as Ms. Barkley pointed out. The majority have no party to look to. The results were predictable. The party that introduced the idea received most of the wrath and many people simply did not vote. The citizens of Ontario have not had an opportunity to put forward their voices on this monumental change in educational policy. As a result, the public secondary school teachers in North York recommend that there be a public referendum this November in conjunction with the municipal elections on the desirability of the

extension of funding to Roman Catholic separate schools.

**Ms. Barkley:** I would like to add one point to what I said about the Shapiro commission which is rising in October, as you know. There are 120,000 people of the Islamic faith in Metropolitan Toronto, at least 150,000 of the Jewish faith, and what of the followers of Hari Krishna, Church of Scientology, Evangelicals? You can see the division and fragmentation increasing. When we give it to one religious denomination, it seems extremely hard not to extend it to others. That is a further ghettoization we are very afraid of. I went to school in the United States and I saw this kind of ghettoization. It was very destructive, bringing with it a great increase in racism, religious, economic and class bigotry.

Problems faced by the public secondary school system: With the announcement concerning the extension of funding, we were already in a severe crisis in the North York system. As Etobicoke indicated to you this morning, the North York system has the second worst problem in Metro. Even before the extension of funding we faced very severe problems. Declining enrolment, in combination with the Ontario Schools, Intermediate and Senior Divisions guidelines, created that crisis. Never mind the underfunding.

**2:40 p.m.**

I will try to deal with declining enrolment. As I heard in the last submission, it is very hard to get exact statistics on declining enrolment. One of the many reasons is that with continuing and adult education one cannot determine how many people will come into the system in any year until you get the actual cards in your hand. One cannot know. The worst-case projection would be that in five years North York would lose 9,000 students.

If you take the global pupil-teacher ratio, 16.1:1, that is 500 teachers. Even if you halve it—it would not be half, it would be two thirds—it is still a substantial number of teachers. We have negotiated to deal with this problem over a series of years and it has taken us a great deal of difficulty to negotiate a wide variety of mechanisms such as part-time teaching, provision of supply teaching pools, retraining provisions, improved staffing provisions, assignment of services, etc. These, as I say, have taken many years to accomplish and have done a great deal to alleviate the problems we faced in human, technical and program terms.

The implementation of OSIS has only exacerbated the problems we face. With the extension of funding, our system could well be dealt a hammer blow. From grades 10 to 13, we

currently have 8,000 students enrolled in our system. It is grades 10 to 13 because we have junior highs in North York. Again, it is a worst-case scenario—things are gloomy but using the global PTR of 16.1:1 that would mean a loss of about 500 teachers right there and if you add the junior highs it is anywhere from another 100 to 150.

Looking at facilities, just using these bare staff, that could mean a loss of eight secondary school facilities to the Roman Catholic board.

We are certain from our experience in the closure of schools in North York that our communities will be appalled at the prospect of such a massive transfer of publicly supported facilities to a single religious denomination. They will say it is wrong, just as we have consistently said it is wrong.

I have given you the statistics on declining enrolment and potential job displacement. That could come out to about 1,000. Add to that the ministry memorandum B4 which was to be implemented next September. That is the change in the full-time equivalent student minutes. That would mean 95 teachers. So we face a potential of our district being cut in half on staff alone in five years. Never mind the staff. You know what that would do to programs. You know the kind of division it might bring in the community and we are extremely concerned.

I have dealt with the wide range of options that obviously cannot exist. We were very happy to hear Mr. Allen this morning indicate that more funds would be allotted to the public school system. We know that has been a New Democratic Party position for many years and we are very pleased with that statement. However, the other side of the concern is there did not seem to be enough money for education in the past many years and now we have a whole new system and are going to need added funds for the public school system. Where in the world are we going to get those funds? I do not think the taxpayer is going to be prepared to take the burden. Somewhere along the way there has to be an answer to that and no one seems to have addressed it.

**Mr. Englehardt:** One of the things we are very proud of is that North York is an affirmative action board, one of the first in Ontario. The public secondary teachers in conjunction with the trustees and administrators are committed to the advancement of women in our professional staff. We have been told the present government is in agreement with this position.

As is the case in most jurisdictions, due to historical factors women teachers tend to have lower seniority than their male colleagues. If you take a look at the small chart we have produced at the top of page 8 in our brief, you will see this is reflected in the fact that of the teachers with five years' experience and less, 54.8 per cent of them are women.

Of our total teaching population in North York, 37 per cent are women. Because of this historical situation where women seem to have lower seniority than their male colleagues, if transfers to the separate school system are made on the basis of seniority, and no other method would be acceptable to us, these members run the risk of seeing much of our efforts undone. In reality, our best estimates indicate the percentage of women would fall by half.

We deplore this potentiality as well as the potential example set for our women students. I would add at this point it is very important that not only our female students but also our male students have female role models. It is essential that our male students see women in positions of responsibility as they move through our educational system.

We agree with many of the recommendations put forth by the affirmative action co-ordinator for the board of education of North York. However, we do not and cannot agree to any tampering with the seniority system. Since this government has caused the problem, we demand a solution which at least maintains the percentages of women we have in our system now. We have not created the problem; this government has. If extra funding is required to retain at least present ratios, this government must assume that responsibility. Otherwise, the commitment this government has given to the women of this province is a sham.

**Ms. Barkley:** Mr. Allen addressed the problem on page 9, that is, the problem of an ageing teaching population. Such boards as Etobicoke and North York have a situation where there has not been much hiring in the past many years. We have just retained our own staff, and so our staff is ageing.

Due to declining enrolment and the reluctance of the government, until now, to encourage early retirements by improving the Teachers' Superannuation Act, the median age of a member of the North York public secondary school staff is already high. It is 45.9 for males and 42.8 for females. Approximately, and this is an interesting statistic, 50 per cent of our membership is

over 50 years of age. That is an ageing staff if you think of when you went to school.

If we continue as we are now, and the extension of funding goes through and our junior members are allocated or designated to the separate school system, we are going to have a very old staff, which will not be as appealing to the students. Since we did not exacerbate the problem, we have to look to you to try to help us solve it, since many of you have indicated you are supporters of the public school system.

I am not going to go through the section on early retirement plans and the need for changes in the Teachers' Superannuation Act, except to say I am a member of the Ontario Secondary School Teachers' Federation superannuation provincial committee and a member of the Ontario Teachers' Federation superannuation committee. In our estimation over many years now, the fund is very well able to do that without any increase in government funds or anything else. It is very wealthy at this time. I mention this because we are going to give this brief to our staff, and it is important that they see that recommendation.

On page 12 is something the bill has not addressed, problems of future teachers. It is something that some of our older students and people from the faculty of education of the University of Toronto have informed us about, and they are concerned. I do not think initially, until this started to be covered in the press, that many students, prospective teachers of the future, thought about it.

We are adamantly opposed to discrimination of any kind, and this is a new kind of discrimination, in our opinion. You can read through it, but I think the population of Catholics in North York is 31 per cent. It is about the same as the provincial percentage. If you have a situation where the vast majority of people going to the faculty of education of the University of Toronto are not of the Roman Catholic faith, and you have a hiring situation where a minority have access to two systems and a majority only have access to one system, that is going to foster job discrimination.

I do not know how you can get around that. Even if you recommend that the Catholic schools have to hire all denominations of teachers, how can you force them to do that? That is not going to be their inclination and they have indicated that. For young people who are not Catholics, it is a real and grating problem.

You have heard much about funding. This government proposes to fund two systems of education in an era when provincial government

support for education in Metropolitan Toronto has dropped from 35 per cent in 1975 to nine per cent in 1985, which is a big drop. Restraints have been the order of the day. Where is the new funding going to come from? Nobody seems to know.

The Metropolitan Toronto School Board could well experience a loss of \$70 million in revenue, much of which will still be needed for the existing plant, the system and the programs we now have in place. How are we going to deal with escalating costs and expensive services such as are articulated in Bill 82, and in technical education and computers for that matter?

**2:50 p.m.**

Since the beginning of these hearings, we have heard a number of estimates of the cost of the implementation of Bill 30. It seems quite unclear what the total will be. There has been no rational study to look into the costs, nor has there been any indication of where the funding will come from. It is obviously a very important point, since I have said it four times. Will the already overburdened property owners be made to pay for the follies of this government? The taxpayers of North York will long remember the politicians, not only of North York, who imposed this needless burden on them.

You have heard a lot about surplus procedures. In Metropolitan Toronto we have developed a very complex set of procedures, and they are based on certain principles. First, of course, is seniority. Second, when there is not a position in the teacher's own board, then teaching positions in the rest of Metro which have not been filled are open to surplus teachers from other boards. That is the assignment of services from one board to another.

This process has taken many years to develop and each year it is improved. The procedures start in March, when the Metro board gives the projected enrolment figures for the coming year to each of the local boards, and they finish in October when the final staffing adjustments based on the September 30 enrolment figures are known. In the process, option sheets must be gathered, tentative timetables determined, leaves of absence considered and part-time teachers declared. Consideration must also be given to program needs. Merely because a school has been allocated 100 staff does not mean the existing staff will fit into the required timetables, so shifting must occur.

This problem has been exacerbated by Ontario Schools, Intermediate and Senior Divisions guidelines. In the midst of the surplus proce-

dures, we consider transfers, retirements, disability leaves and special qualifications. By mid-June we have the teachers in the local boards placed into existing vacancies according to seniority and program needs. Then, towards the end of June, the whole procedure is repeated at the Metro level and continues to the beginning of September.

In such a large and complex system, projections are not always correct, and in September, schools are sometimes re-timetable. Therefore, no staffing figures are firm until September 30, and even then redistribution is sometimes necessary. The right to recall to one's local board exists until August 31. Federations are totally involved at all times in the placement and recall, and in monitoring the whole procedure. We also have an appeal process for teachers who disagree with their placements.

In such a complex system, at a specific time, how can we designate a particular teacher to the coterminous board? Which one or ones do we designate, and on what basis? If implementation becomes a reality, there obviously will have to be an agreement between the coterminous boards on how designations should be determined. In simple terms, we believe the number of students lost to the public school board should be established, and from that, the number of teachers displaced by the extension of funding would be established, just the number.

In doing so, the public school board would indicate to the coterminous board the number of positions which must be made available to the public board. If there is not a total match of subject areas, there must be a carry-over of numbers from year to year. We believe it is desirable for all concerned to consider the concept that presently exists in the Metro Toronto school board, namely the assignment of services. It is a system that has worked well for us, and I would add one thing. We have a situation in North York in which we have three affiliates, three unions in one school, in the junior high schools.

What we would support is that when, for example, 10 or 20 teachers from North York go into the Metro separate school board, they are there on assignment of services and, as is the case now in our North York junior highs, they can retain their federation membership. For example, if I were to go over to the separate school board, I would have the right to join the Ontario English Catholic Teachers' Federation or to remain a member of OSSTF with the right to recall. I think that serves both boards. Then,

possibly if a job opened up in the North York board, I could be called back and a Catholic teacher hired. That is something for you to consider that to date I do not think has been brought up.

We have another question regarding redundant teachers. I believe it was the Minister of Education, who indicated in his maiden speech that if there were any public school teachers displaced, for whom you could not find a job, the government would assure that person would not be fired. That creates a lot of problems. Who pays for that teacher who has become redundant to the public secondary school system but cannot be placed in the Catholic school system because there is no suitable timetable? There will be some, and it is going to be expensive.

Surely, since the government has created this problem for the teacher, it will have to be the government that solves it, or is this just going to be one more financial burden the local government and the taxpayers are going to have to assume?

One thing concerns us particularly in North York because we have very large and successful adult and continuing education programs. Separate school supporters have total access to these, so some of their taxes have gone to the public school system for this particular program. As I said, Bill 30 does not say anything on this question at all. The whole thing seems ludicrous to me, but it would seem even more so that we would have duplicating systems for adults. I do not believe anybody should, but I do not think any adult has to be inculcated at the age of 20 or so with religious beliefs in the school system.

We ask what your position is on that since, as I say, Bill 30 remains silent on a very important and growing area of our education. We have superannuated teachers now coming back to school.

There are many concerns. I think one could write a brief—I am sure you have had them—of 100 pages, but we will just mention a couple because I think many others have stressed them.

This is a very strong concern, because we have had school closures in North York; we have had several elementary school closures in North York. We do not believe the provisions in Bill 30 are adequate at all, and they are going to create big problems within our communities, more with our parent communities even than with the teachers. At a minimum, what would have to be changed is that the community and the teachers should be included in the process. There should

be public hearings from these groups if ever a school is transferred.

For example, when our board tried to close some of its elementary schools too quickly, there was a huge hue and cry from the public, so we had to develop a policy for the closure of schools that took two years to go through, with public hearings. That was the only way the community was able to grapple with what was happening to it. But the tribunal as set up, with no public hearings and no input from major groups involved, is just going to create all kinds of havoc.

Many people believe, and I think the Metro board probably said it best, that the powers conferred upon the planning and implementation commission are completely inappropriate and far too vast. We believe that responsibility should rest with the cabinet, and in fact the government should be held responsible, not some committee that was chosen.

In conclusion, we believe our system in North York is one of the best in Ontario, if not in Canada. We also believe the implementation of Bill 30 in combination, as I said, with Ontario Schools, Intermediate and Senior Divisions guidelines, the ministry proposal, faced with a declining enrolment, will devastate our system.

We do not believe this government is committed to the preservation of the public school system or to serving the needs of the majority of our citizens. We can conclude nothing else but that it is committed to the preferential treatment of one religious denomination. We believe the decision to extend funding was a strictly political one, one that is educationally wrong, morally unsupportable and socially extremely divisive. We also believe that creating a duplicate denominational system parallel to the existing public school system is economically wasteful.

We further believe the public secondary school system we know and have known for nearly a century is being severely undermined. We, the public secondary school teachers of North York, remain committed to a secular school system accessible to all. We believe this to be the best for society and, of course, we strongly recommend that Bill 30 be withdrawn.

We would request, given that a whole lot of other possible amendments may occur in the process, that we could have more time later on to address you if needed.

Peter, you had a personal comment you wanted to make.

**Mr. Englehutt:** Yes. One of the reasons I wanted so much to come before this committee,

to help present our brief, springs from my own personal experience.

I was born and raised a Roman Catholic. I was educated totally in Roman Catholic schools. The first time I ever set foot in a public school was when I came to teach in one. I was going over my recollections before I came here and it suddenly occurred to me that I was 22 or 23 years old before I ever knew a non-Catholic. My entire experience—the Cub Scout troops I belonged to, the sports I played—everything was totally Catholic.

I just looked back on it and realized that that was a very ghettoized way to grow up, and if you think of the society we are going to be building 20 or 30 years from now if this bill goes through in its present form, it will institutionalize and concretize the ghettoization of our society. I find that personally intensely saddening and politically unsupportable.

**The Vice-Chairman:** On the basis of the testimony we have had across the province as well as most of our individual experiences, your growing up had to be a fairly unusual experience to go through. In most schools the high school basketball team, hockey teams and so forth, play one another in most communities, whether they are in the Catholic school system or the non-Catholic school system.

**Mr. Englehutt:** That certainly was not my experience, Mr. Chairman.

**3 p.m.**

**Mr. Reville:** Mr. Chairman, first, on behalf of our Education critic, may I apologize for his absence. He had a meeting with the Minister of Industry, Trade and Technology (Mr. O'Neil) and he will be back shortly.

Thank you for your passionately argued brief. May I ask you a clarification question, please? On page 6 you spoke about a worst-case scenario, of all 8,000 Roman Catholic students departing quickly from the public system. I do not believe your board submitted an impact statement. Can you give us any less than the worst case scenario; how many students you would normally expect to transfer and how many teachers would become redundant?

**Ms. Barkley:** Even if you were to cut that number just in half we would have, over the five-year projection period, 250 teachers lost simply because of the extension. Add to that our declining enrolment and there would be 500 teachers lost.

There are a lot of NDPers in the Downsview area who come from a social democratic

background and who believe very strongly in the separation of church and state. We believe that many people, and we have been phoned by them, will not make that kind of a transfer. However, to be able to project is extremely difficult. We have to try to deal with the problem knowing we are going to be badly hit because we have a very heavy Italian population, some of whom are first generation, and who would be inclined to transfer.

We have told our teachers there is going to be a big decline, so this year we had 11, I believe, who went over to the separate school system voluntarily.

To be able to give you—and I think you are going to find this with everyone—a definitive answer is going to be very hard. As was stated earlier, we do not even know the religion of our students in many cases. Maybe a year from now we will have a much better handle on exactly how it is going to hit the system. Right now, we really do not know.

**Mr. Jackson:** My question was similar to that. If I can, I will try to build on that. How were you able to find out that there are 8,000 Roman Catholic students enrolled in your schools? We have had many boards come to us and say it is impossible to find out and, in fact, it is improper to know.

**Ms. Barkley:** Improper to know? I am going to get myself in a little bit of difficulty here. I believe there are two boards in Metro which have those statistics; the Toronto board and the North York board. I will not even dare to guess how they got these statistics.

**Mr. Jackson:** It is clear that there is no accord and that, therefore, there are no option sheets being done with full co-operation between the two systems. Therefore, it is hard to get a handle on numbers. If there is no funding going forward there is going to be no impetus to transfer over.

**Ms. Barkley:** Let me try to get this straight. The Toronto board attempted to do an impact statement, but there was no agreement. Given that the Metro boards were not going to be that much different, I assume there would not have been an agreement, even had we negotiated, because the Toronto board has been negotiating with the separate school board and no agreement has been reached.

Are you indicating to me that, in fact, if no agreement is reached, the funding will not exist in principle for boards that have not agreed?

**Mr. Jackson:** I am not telling you that, I am trying to ask a question.

**Ms. Barkley:** Okay, I misunderstood.

**Mr. Jackson:** I am just trying to determine if it is fair to say that the transfer will be of the magnitude you are suggesting, based on provincial averages. I am somewhat familiar with Toronto. Is it that unique so there will be a large number of students transferring?

I recognize the problem, but is it as acute as you are suggesting it may be?

**Ms. Barkley:** The makeup of North York is highly Italian and many are first generation. We are inclined to believe that it is the first generation who are more inclined to automatically send their children to the separate school board.

**Mr. Jackson:** Unless they are NDP.

**Ms. Barkley:** Some of the NDP; we have noticed that some of the other NDPers do not necessarily agree.

**Mr. Jackson:** I have another question. North York has a school closure policy?

**Ms. Barkley:** Yes, it does.

**Mr. Jackson:** To what extent does it involve teachers in the process?

**Ms. Barkley:** Very heavily. It had to develop as an evolutionary process. I can certainly bring the document if you would like to see it

**Mr. Jackson:** No, I helped design one in my own board.

**Ms. Barkley:** You helped?

**Mr. Jackson:** Yes.

**Ms. Barkley:** It involves the community. All the home and school organizations and teachers' groups can and do make presentations to try to determine whether a school should close. They get very distressed. A school is a centre for a lot of activity. It is an attempt to prove to a community that a school should close and takes two years before the whole process is determined. It has worked quite well.

**Mr. Jackson:** I am aware of the provincial guidelines for school closures. In North York do you have specific representation on the steering committee, the decision-making body, that is allocated to teachers?

**Ms. Barkley:** It is the elementary affiliate. No senior secondary schools have been closed, so it is the elementary, not the secondary, that has made the major representations.

**Mr. Jackson:** I concur with your concern. I wanted to clarify the extent to which the teachers were involved in the process, whether they just had input or whether they were involved in the

decision-making that came to a consensus and final recommendation to the trustees for consideration.

I have a rhetorical question. Peter, which Catholic university did you attend?

**Mr. Englehutt:** The Catholic university I attended was St. Michael's.

**Mr. Offer:** I would like to congratulate you on your brief. I attended and went through the North York board, elementary and secondary. I have had some experience in that my wife taught there and was declared redundant years ago. I am waiting for your comment, Mr. Jackson.

**Mr. Jackson:** Another Liberal who was a teacher.

**Mr. Offer:** Mr. Jackson brought up the question of the the projected impact. Notwithstanding the figures—I know the difficulty in forecasting the figures—one must remember that the students, whatever the impact is, do not vapourize. They may move to another system. I am neither accepting nor denying your figures. There is provision in the bill to allow for a teacher shift.

Keeping that in mind, I wonder whether you have discussed—I might not have caught it in the brief—or taken into account the voluntary change of teachers from the public to the Roman Catholic school system to minimize in some ways whatever impact there may be. I wonder whether you could give this committee some idea as to whether you have discussed that and what might have been the outcome.

**Ms. Barkley:** We have 205 people declared surplus in North York this year. Since your wife has gone through the process, you can understand that situation makes one feel insecure. We indicated there were openings in the separate school system and indicated to our junior teachers that they were in jeopardy. There is no question but that we did indicate that to them.

It was difficult to advise them necessarily to go to the other system because there was nothing in law. Was their seniority protected? We had no answers to that. We have had 11 teachers from North York go to the Metropolitan Separate School Board voluntarily. I believe all of them were Catholic. One of the reasons teachers in OSSTF do not want to change is that their contract, objectively, is better. We have fought very hard, been on strike, worked to rule and all the rest of it. Our contract provisions are good. The teachers who have fought for those contract provisions do not want to lose them, as you can well understand.

**3:10 p.m.**

We have many Catholic teachers. I never knew that. It never occurred to me to ask. Everybody knows everybody now, though. Most of our Catholic teachers came to our system and do not want to have to deal with inculcating somebody with a particular set of moral values. They do not want to do that. That is one of the reasons they are in our system. They want to be there because they are good teachers.

To try to encourage teachers to go to a system they did not choose to begin with is difficult. There will always be some who will go voluntarily, particularly if they are Catholic and there is a possibility of promotion. Of course, this would be the desirable route, but that is not in any way going to come near to solving the problem. Just from what our teachers have said to us, no.

**Mr. Offer:** You have indicated, however, that there was some voluntary switching even this year, and there were a lot of barriers against that switching due to the fact that there was no bill whatsoever presented, there was no legislation for any teachers to refer to. I just wonder, now that there is something finally in writing and this committee is looking it over, listening to people throughout the province and going to be discussing this particular bill, whether that fact may result in a greater tendency towards the voluntary transfers.

**Ms. Barkley:** I think we got almost all of them this year. With most of the people who do not want to go, it is because it is a philosophical question. They do not want to have to teach that type of education. While we may get five or six in any given year, it is not going to be in very large numbers.

For example, as I pointed out to you, we have a large number of Catholic teachers in our system now. Ironically, when Metro Toronto wrote its brief to the planning and implementation committee, unbeknownst to us, five out of six were Catholic. In many ways, the teachers who are most opposed to this whole thing are our Catholic teachers. So I would not count on that, no.

**Mr. Offer:** I would like to thank you for the answer.

Just by way of comment, you did start off the brief by indicating we may have heard the particular points and what not. I think it is the opinion of everyone on the committee that it matters not how many times we hear the point, if the person truly feels it is proper and truly believes in it, then we are here to hear it as many possible times as there are.

**Ms. E. J. Smith:** I was interested in your statistics on page 9, because we already have the notice of motion. As you know, you are presenting problems about superannuation and early retirement. I noticed with interest that you say 50 per cent of your membership is over 50, but of those above 55 you are down to 13 per cent of your membership. I did not know whether you had some superannuation retirement plan in place there or whether North York is killing them off at a great rate in those five years.

**Ms. Barkley:** We are the only group in Metro that does have an early retirement incentive plan for people in positions of responsibility, which covers about one third of our membership.

**Ms. E. J. Smith:** I did happen to notice that great drop there. Since we are discussing this, it might be of interest to know what you have and why it is having an effect in North York that is obviously very statistically important.

**Ms. Barkley:** Absolutely. It is a very good point.

**Ms. E. J. Smith:** I think it might be of interest to this committee to get that information.

**Ms. Barkley:** I think it is a very important point. We are the only board in Metro that does have an early retirement incentive plan. As I say, it covers one third of our members in North York and many have opted for it.

**Ms. E. J. Smith:** They must have, yes.

**Ms. Barkley:** The rest of the Metro districts, even as we speak, are trying to negotiate a similar kind of plan, but we want to get it for all teachers. The problem with it is that it tends to be elitist for the people who are in leadership positions, which is totally unfair. We are trying to get a universal educational resources allocation system. But you are absolutely right. Superannuation changes and the ERAS changes will do a lot to alleviate the problems generally in the system, not just dealing with the extension of funding, but generally. We were very pleased, of course, with the statement this morning.

**Ms. E. J. Smith:** I think it would be useful if you could provide us with that information.

**Ms. Barkley:** Would you like me to get you the plan and indicate the statistics that have occurred in the past years that we have had it?

**The Vice-Chairman:** Yes, that would be appreciated. If you could send it to the clerk of the committee, then we can duplicate it and distribute it.

**Ms. Barkley:** Okay.

**Mr. Davis:** In Bill 30 there is a possibility there will be some teachers who do not fit with coterminous boards. They would then be left in a kind of limbo and returned to the public board. How do you foresee them being used in your system?

**Ms. Barkley:** It is difficult. We already have a pool of 159 surplus teachers in the Metropolitan Toronto School Board. For example, this year a large number of these surplus teachers are technical teachers. You know the reasons for that. In many cases, we have temporary training and in some instances, particularly with our technical teachers if they do not have university degrees, it is a very narrow place they can go. We use them for supply teachers and for other needs of the schools.

It would be very difficult for the Metropolitan Toronto School Board to carry for many years what is going to be the overload caused by the extension. Teachers are being retrained. A lot of our younger teachers have special education qualifications, music, etc. They have six or seven things on their resumé just trying to cover all bases, but I do not think that is going to cover all the people there. We stress retraining as much as we can.

**Mr. Davis:** Would these teachers find themselves in the surplus pool—

**Ms. Barkley:** Yes.

**Mr. Davis:** —or would you treat them in some other aspect? In your surplus pool those teachers are there because of the declining enrolment situation. Therefore, if I am a teacher in the surplus pool because of redundancy and I have seven or eight years' experience as a history teacher and this other person is declared redundant to the system because of declining enrolment and should really go across town to the separate school and has one year more than I do, he would be afforded a job in another area of Toronto where I might not have the job and become a supply teacher, even though the salary is the same. I understand that. There is a distinct advantage to teaching regularly all day rather than whenever there is a job available.

The supplement to that is, how do you deal with that teacher with respect to your teachers who now are permanent supply or supply for your board on a regular basis, especially when there is an attempt to unionize?

**Ms. Barkley:** When we declare a redundancy, we do not know if that particular redundancy under surplus procedures in a given school is created by declining enrolment, OSIS or the

extension of funding. How can you determine it? It is very hard at this stage. Maybe at some future stage we will be able to. We do not now know what causes a redundancy.

**Mr. Davis:** Rather than try to deal with that, because I understand there is a problem, let us assume for a moment the coterminous Metro board has hired 35 teachers this year. Let us assume they are responsible for those 35 positions, and in your board there are four or five who are supposed to go, but there is no job for them. Try to deal in that hypothetical area.

You have three teachers who should be going to the separate school who do not fit. I want this from your federation's point of view. From what I have heard you say, we would use them to teach, except the problem is that the teacher who is already in the surplus pool is put there under a different position. If you use them for supply teachers, then the supply teacher who should be teaching on first call is now bumped down, as he would be with the surplus teachers who do not find a job. I would assume they would be outside the contract and you would not object if they were put in classrooms. You would not use that as a mechanism in order to deal with pupil-teacher ratio and class size later on because they are an addition that just happened.

**Ms. Barkley:** That is right. One of the things we have suggested in our brief, and I think it is going to be suggested in other briefs, is the necessity for a slippage formula from year to year. You understand what I am saying—a carryover from year to year. It would be unfair to say to the Metro board, the North York board, the Scarborough board, "Look, here are four teachers who, because of the extension of funding, the North York board and public school taxpayers are going to have to carry." I do not think that is fair.

Because of something imposed on our system, why should our taxpayers in our system have to absorb that cost? It does not seem to be at all reasonable to me. There has to be a mechanism that the government brings forward to deal with that problem. Maybe that is where some of the funds the government says it is going to bring into the system to try to deal with the problems it has created will have to go.

**3:20 p.m.**

**Mr. Davis:** I would like it if your federations would put their collective brain power around that one and try to deal with it so we can deal with it. A brief this morning suggested the Metro volunteer system should be on a Metro basis

rather than each individual. Do you agree with that?

**Ms. Barkley:** Absolutely.

**Mr. Davis:** Okay, thank you.

**The Vice-Chairman:** Any other questions from the committee?

I want to thank you very much for coming forward.

**Ms. Barkley:** Thank you for hearing us.

#### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION DISTRICT 16, SCARBOROUGH

**The Vice-Chairman:** The next group is the Ontario Secondary School Teachers' Federation, district 16, Scarborough. This is exhibit 521.

Welcome to the committee. I do not have list of any of you who are presenting on behalf of the Scarborough OSSTF. Perhaps you could introduce yourselves.

**Ms. Farrell:** I am Joan Farrell, president of district 16, Scarborough. I have with me Robin Mercer, Paul Rook and Neil Walker, all of whom are members of district 16 executive. I would like to thank the committee for allowing us time to present our concerns about Bill 30. We will try to highlight some of the main points in our submission.

First of all, as public secondary school teachers in Scarborough, we oppose the extension of public funds to the separate school system. I would like to turn it over to Robin to discuss the constitutional aspects.

**Mr. Mercer:** Thank you, Joan. I would like to thank the committee for inviting us to speak today.

I will speak to the philosophy of separate school funding in general, not just the extension of separate school funding, but the philosophy of the creation of separate school funding. As a history teacher, I feel somewhat qualified to talk about history in general and historical trends and so on. That is the direction I would like to take right now.

In 1864, the Scott Act was a politically expedient act. It was an act created out of and because of intolerance. It was an attempt to ameliorate this intolerance or to lessen the problems in society at that time. We have come a long way since then and many of you would agree we are less intolerant than we have been before.

However, this issue indicates there is still a deep division in society because we are afraid of privilege. We are afraid of allowing one particu-

lar group more rights than all others. If we believe in a democratic society and its ideals, then we must oppose separate school education in general. If we believe in the separation of church and state, as history tells us we must do, otherwise we create an intolerant society in itself, then we must oppose separate school funding.

The government's argument has been based on historical precedent. Because history says we must have separate schools, therefore, we will continue to have them. This is using history as a crutch. There is nothing sacred about history *per se*.

If you use this argument, and I pointed this out in the brief, then the United States would still have slavery in its country. They had slavery in the United States 100 years before the framing of their constitution. In their constitution they entrenched slavery in the three-fifths compromise and the slave trade compromise. Finally, in 1865 they abolished slavery. In abolishing slavery, they stood for their principles—principles of equality, freedom and equal rights for all people. To argue that history and constitutional precedent are the basis for the extension of separate school funding is weak and does not deserve any further attention.

The separate school system is a discriminatory system. We have amended our Constitution in the Charter of Rights and Freedoms, as the Americans amended their constitution in 1865, to end discriminatory practices. On that basis, separate schools that are discriminatory should be abolished, as I pointed out.

The charter allows for demonstrably reasonable exceptions to that. I do not believe this has been demonstrated in Ontario and the public must have the right to a referendum before it will have been demonstrated. Only a referendum will demonstrate the political will of Ontario.

It is also wrong for economic and political reasons. We are heading in the wrong direction. We should be going entirely in the opposite direction in creating an equal society for all people.

I sympathize with the students of Pope John Paul II Secondary School who want to get more resources for themselves. I suggest they can get those resources in the public school system. They can retain their religious teachings at home and in their churches. They do not have to go to a separate system.

**Ms. Farrell:** I would like to deal with the effect of Bill 30 on our teaching profession. District 16 has more than 2,000 public secondary teachers. In the past five years, we have begun to

experience declining enrolments and also the effects of the Ontario Schools, Intermediate and Senior Divisions guidelines, with the accompanying shift in students' selection of subjects. Both have created considerable concern about job security.

Another item of great concern to me has been the unwarranted interference of the previous government in our collective bargaining process. In the past five years, we have had to contend with Bill 127 in Metro, Bill 179 and Bill 111. I am sure I do not have to detail the effects of those bills to the members of the committee. Over the past 15 years, we have negotiated clauses in our contract that offer a wide range of protections for our teachers. In bringing forward Bill 30, this government has reduced or taken away those protections for surplus teachers.

For instance, a new term, "designated teacher," has been coined in Bill 30. In the past, we have developed lengthy and complex procedures in Scarborough and Metro to identify surplus teachers. All the rules are in this contract and I would be happy to give you a copy if you wish to look at them. They have been detailed today by Etobicoke and North York representatives.

Unfortunately, in Bill 30, no notice has been taken of any of those rules. Bill 30 promises only guidelines, not even regulations, to cover the problems we may encounter. Our collective agreement also contains a detailed grievance and arbitration procedure in case of disputes. Bill 30 overrides that process and in my opinion gives teachers no recourse if they disagree with their designated status.

Our collective agreement also covers salary, sick leave credits and gratuities, leave provisions, promotion criteria, etc. Bill 30 automatically takes those rights away from any of our teachers made surplus by separate school funding, and presumably would place them under another collective agreement through no fault of their own.

This continued interference in our collective bargaining process against the protection that teachers have gained in their collective agreement is unconscionable to me. I fail to understand how any Liberal government, supported by the New Democratic Party, can condone this interference in the collective bargaining process. I would be very interested to hear your reaction to that. I would now like to pass to Paul Rook, who will deal with student access.

**3:30 p.m.**

**Mr. Rook:** I would like to deal with the effect this bill would have or could have on students in

both systems. Bill 30 has some provisions that allow Catholic students access to the public schools and vice versa. We see severe problems and limitations in those provisions. For example, a Catholic student is entitled to be a pupil in a secondary school operated by a public board if the director or appropriate supervisory officer certifies there is accommodation available. We are concerned that for the first time there is a provision that restricts access to the public system which, by its very nature, should be open to all members of the community.

This open access has been one of the hallmarks of the public education system of Ontario. Indeed, this open access has allowed the public secondary school system to be one of the institutions that draws the many diverse elements of our society together in a common purpose.

We are also concerned about the non-Catholic students who either choose to attend a Catholic secondary school or must do so. The students who must attend because of handicap, transportation or program are exempted from religious education. This creates two problems for these individuals as they try to function within the separate secondary schools.

First, the Roman Catholic nature of such schools permeates every aspect of these institutions, from the staff in the cafeteria to the curriculum taught in the various classrooms. As an example, all you have to do is look at the recent advertisement placed in the *Toronto Star* by the Metropolitan Separate School Board, which clearly indicates that the curriculum is designed to provide academic excellence in every area without excluding God from any area. The concept of having some sort of exemption from religious education is meaningless when you take a look at what the Roman Catholic school system is about and what it is meant to be about according to its own criteria.

As a result, these people who are forced to transfer will be prisoners not only of their own handicap and restriction but also of the strange new system of beliefs and practices, in which there is little room for difference of opinion. These students will also be clearly identified as different. At an age when peer acceptance is of critical importance, these students will be to some extent identified as outcasts within their own school.

Those who choose to go to a Catholic separate school will suffer a somewhat different fate. These people may not even have the minimum exemption from religious education.

What is most disturbing is that Bill 30 creates different classes of students within a separate secondary school, each of which has different rights. It also overrides basic human rights with respect to some of these students. How can we teach equality before the law, nondiscrimination and the Canadian Charter of Rights to students when the very act by which we structure secondary education in Ontario is a discriminatory document?

These are various areas of grave concern to the teachers in Scarborough. We are concerned not just about our own contracts and our own teacher rights but also about what is going to happen to the students within the system. We are also concerned about the powers given to the implementation commission. This has already been referred to in the North York presentation, but I think it bears repeating.

The proposed legislation gives the implementation commission excessive powers. Bill 30 leaves entirely to the commission the preparation of guidelines relating to the designation of staff whose services will not be required because of the extension of funding. There is no requirement that the commission consult the public boards, the federations or even the collective agreements when creating these guidelines. Thus, many practices and even legal contracts will be ignored in the process.

We are quite concerned about this, not only about the fact that you will be ignoring precedents and documents that have been established but also about the fact that these things are guidelines. They are not entrenched in any way and can be changed, perhaps at the whim of the commission, perhaps as different people deal with them from time to time and from board to board. That is of great concern to us.

The implementation commission has too many discretionary powers in other areas. For example, the bill states that the implementation commission "may hold public meetings in respect of the provision of secondary school education by individual Roman Catholic school boards."

We feel that such hearings should be mandatory, especially when the plan involves the proposed transfer of schools to the separate school board. Such schools are much more than buildings; they are important community institutions and the community should have a say in their disposition.

Ministry of Education guidelines for school closings quite properly call for such consultation. Our own board has gone through a long process

of public consultation and input whenever it has had to decide on closing a school or altering its use at the elementary level. The transfer of a public secondary school to the separate school board is, in effect, the closing of that school for the public school supporters in that area. Their children will have to transfer to other schools and they may even lose local community use of that school.

We have seen what happens when a bureaucracy denies or delays such input, as happened with respect to the proposed sharing of Thomson Collegiate with the Metropolitan Separate School Board last spring. There were rumours followed by public outrage. This resulted in a great deal of ill feeling in the community and a lingering suspicion about the plans of the Metropolitan Separate School Board and the Ministry of Education.

The commission also has too much power in trying to resolve disputes between boards. It is involved in the original planning. Then the commission is also asked to be involved in negotiations, mediation, fact-finding, the appointment of a tribunal and the final disposition of the tribunal's report. How can the commission carry out all of these functions and yet remain unbiased?

More importantly, where is the provision for a new party to be involved? In our own negotiations we have often found this is a critical step which allows for a fresh perspective and the resolution of a problem. I am quite sure, based on what you have heard already, you realize there are going to be quite a few problems arising that this commission is going to have to deal with even if you do amend this legislation.

Neil Walker will deal with two other problems in the legislation as we see it.

**Mr. Walker:** Mr. Chairman, our district is very concerned about the disproportionate effect that the implementation of Bill 30 would have on women teachers in Scarborough.

In keeping with our contract, our beliefs and our practices, movement of teachers into the separate school system should be done on the basis of seniority. Yet a great majority of teachers with zero to five years of experience in Scarborough are women. I believe there are 296 teachers with zero to five years of experience in Scarborough. Sixty-three per cent of these teachers are women.

This transfer of women teachers will have a number of negative effects. First of all, it will be demoralizing for women teachers in Scarborough to see that they in particular are being

discriminated against and adversely affected by the funding extension. It will remove a group of women who represent great potential for advancement within the Scarborough system and who would have helped redress the imbalance in administrative positions between men and women. It will also deprive our women students of young, positive role models.

We have some concern as well that these women who are designated will enter an educational system which has a decidedly different and restrictive system of attitudes and values towards women and their role in society. Will women teachers from the public system have the same opportunity for promotion and job satisfaction as they have had in the public secondary schools of Scarborough? Will they have contemporary views on marriage, family and abortion that will cause them to come into conflict with the Catholic system?

Has this government given full consideration to the impact that Bill 30 will have upon women? Why was no impact study done prior to the introduction of this legislation? What does Bill 30 do for the government's commitment to affirmative action? We believe there should be guarantees of affirmative action for women's roles in all boards that accept public money for education.

I would like to look briefly at some financial aspects of Bill 30. A student who wishes to attend a system other than the one he is entitled to attend will be handled by an extremely cumbersome process. It is not clear how a board determines which system a student is entitled to attend. Is the student's attendance based upon the parents' commitment of secondary tax dollars? Does the present commitment of the parents' taxes to the separate system automatically apply not only to the elementary but also to secondary? If this apportionment is the case, as it appears to be, the separate system will have a very high retention rate of students in the secondary school grades.

Another problem occurs when, for example, a Roman Catholic student wishes to attend a public secondary school. First of all, the board must arrange to pay each student's fees in what will become a bureaucratic paper chase between various boards. We feel it would be much easier to let the tax dollars and provincial grants follow the student. We would also like to know why under the present legislation the fee is the lesser of what the board calculates or what the regulations allow.

**3:40 p.m.**

However, our greatest concern in Scarborough is the effect this legislation will have on our ratepayers. At present, provincial grants cover only nine per cent of the education costs in Metro. This represents a decline from 35 per cent in 1975 and is the smallest percentage in this province. Thus, our local ratepayers already bear a sizeable tax burden.

Bill 30 will increase this burden. For example, in Scarborough there appears to be 9.8 per cent of current public secondary school enrolment which is Roman Catholic. However, approximately 20 per cent of Scarborough ratepayers have designated themselves as separate school supporters. Thus, the Scarborough Board of Education could lose a greater proportion of its current revenue than would boards outside of Metro. If pooled commercial and industrial assessment were to be imposed on top of this shift in tax revenues in Scarborough, it would be an intolerable imposition on local ratepayers.

There is transition money to cover some of the costs of the change. However, we would like to point out that many of the costs of maintaining programs and buildings with fewer students will not be temporary and provincial transition grants will not cover them adequately. The provincial government must find a permanent method to properly fund our public system if Bill 30 is passed.

We have one final concern. At present, a great proportion of Roman Catholic separate school revenue comes from provincial grants in Metropolitan Toronto. If this largess is to continue under Bill 30, it will mean the separate school ratepayers will have a lower local tax rate. We fear it could become more attractive to pay educational taxes in the separate system. If this happens, people could be making important educational decisions—even personal and religious ones—based merely on financial factors.

**Ms. Farrell:** We have included in the last three pages information that was put out by the planning department of the Scarborough Board of Education. I thought you might be interested in looking at that. I know the Scarborough board did not include it with its presentation. It was done early last fall. As you will notice, it applies only to students who attended a separate elementary school.

In conclusion, I would like to restate our opposition to Bill 30. In my opinion, it was ill-conceived, sloppily written and contrary to the wishes of many Ontarians. I do not believe it can be fixed by amendments. In its present form, it should be scrapped, withdrawn, whatever. My

district supports the legal challenge of the Metropolitan Toronto School Board and also the resolution it put forward on August 12, 1985, regarding the setting up of a royal commission on education in Ontario.

I would read that resolution, but I am sure you already have it in your material from the Metro school board. I would like to thank you for your time and consideration of our brief.

**Mr. Davis:** As always, my former colleagues from the Scarborough board have put together a very interesting and straightforward brief, always keeping before them the issues of students and their own concerns, and I appreciate the brief. I have one question. I have asked it before and it has not been commented on in detail. You asked us to comment on it, so I am going to ask you to do so.

On page 2, you say, "In no part of this bill is there consideration of the existing collective agreements..." How do you see the impact of this bill on the present collective process and the collective agreements we have? Where do you see the weakness and how would you recommend that we change it, if we should?

**Ms. Farrell:** My first problem is the bill itself—

**Mr. Davis:** Forgetting that, let us deal with the other problems we have to deal with.

**Ms. Farrell:**—and the fact that it does have an impact on teachers who are already covered by this collective agreement.

**Mr. Davis:** It overrides that agreement.

**Ms. Farrell:** Right. It supersedes it because it is legislation. Anything in this collective agreement cannot be contrary, therefore the legislation would take precedence. You are asking me how to fix all of these items?

**Mr. Davis:** No, specifically I am concerned about how the legislation overrides the collective agreements. Have you considered some process by which we can avoid the kind of problem you have indicated and that I foresaw a couple of months ago?

**Ms. Farrell:** I could give you one example having to do with assignment of services. When we went to the planning and implementation commission, I suggested that the Metro separate school board, at least for this year, become an equal partner at the Metro table for assignment of services. When surplus teachers are brought to the Metro table and are put out on assignment of services to the different area boards, why would the separate school board object to being an equal partner and also taking our teachers on assign-

ment of services for at least one year until we see how it settles down? I put that idea forward, but it did not seem to be met with much interest. It is one thought I had. It might be good for a year anyway, until we can see how many students go to the separate school system and the effect it will have on our teaching staff.

**Mr. Davis:** When you talk about the process by which you declare teachers redundant because of the extension of funding, I assume you support the thrust of your other federations and the other boards that it should be done on a Metro-wide basis, because of the uniqueness of Metro, rather than on a local board basis?

**Ms. Farrell:** I could not give you a yes or no on that right now. I would have to look at it. As you know, I would always look at Scarborough first. We have always done that. I could not give you an answer on Metro. As you know, Metro seniority could present a rather large problem to Scarborough because our teachers have the lowest median age in Metro. Therefore, I could not give you a yes on that now. I know Etobicoke did agree this morning, but I could not give you an answer.

**Mr. Davis:** Would you give us a reply to that question later? I think it is imperative because two federations now, both Etobicoke and North York, have suggested it may be a very practical idea. I would like to know what ramifications some of the Metro boards may face if we look at that as a possible solution.

**Ms. Farrell:** If I could just reply to that, as you know each area board has its own two per cent pool.

**Mr. Davis:** Yes, I know that.

**Ms. Farrell:** However, if an area board goes over the two per cent then they are allowed to use spaces in another area board's pool. I could probably live with that idea, but I would have to see more information on what you are proposing.

**Mr. Davis:** I would appreciate it if you would do that. When the Etobicoke board suggested it, I thought it had some merit. Then I remembered how the whole system works. I do not think we want to override collective agreements if we can help it and I do not think we want to implement any kind of direction if it is going to hurt local autonomy. Metro being unique, that may be something that has some advantages, but I would want to know what the disadvantages of it were.

**The Vice-Chairman:** Thank you very much for coming forward.

The next presentation is from Mr. Tom Meehan, student, St. Michael's College.

3:50 p.m.

TOM MEEHAN AND  
FRANCESCO LAMANNA

**Mr. Meehan:** My name is Tom Meehan and this is Francesco Lamanna. We are both students at St. Michael's College School. That school has the notorious distinction of being the only Catholic school I know of in Ontario that has denied the oncoming extension of funding to grades 11, 12 and 13.

We are here today to express to you some of the concerns our school had when it was made aware, as everyone else was, of the extension of funding to the senior grades and what some of the schools that are accepting funding fear.

I am also a student there, and I was approached earlier this summer by a member of this committee who suggested I should talk to you about what some of these concerns were. Last year I told him my school had decided not to accept the extension of funds and he, being a real genius of course, told me we should speak about why our school did not and what other schools are afraid of. I would just like to thank him for that in his absence.

The announcement by Mr. Davis on June 12, 1984, was greeted with great joy by our school, even though it was decided we would not accept the extension of funding because, somehow, as I mentioned, the status quo of Catholic education in our school might be altered somewhat if certain demands were placed on all Catholic schools in Ontario.

In order to explain this decision, I had better tell you a bit about the school. It is made up of more than 1,000 boys who are drawn in from all corners of the city. Many races and backgrounds are represented in its population, and while it is true all are Catholic, that is pretty well the only common denominator of all students there. A liberal education is taught, that is small "l" liberal, of course, enabling students to learn basic concepts from a wide range of areas at an advanced level.

The school is notorious for its athletic as well as academic excellence and has been home to several National Hockey League superstars. If you would like to research that, I am sure I could come up with a formidable list.

One concern we had is that you might have heard from some of your earlier speakers there is a public phobia of Catholic schools, that they might tend to be elitist and promote bigotry. I have always found that if there was bigotry in any school system, it would be in a public one. That

is not to say there is bigotry in the public school system but, for example, our school draws students from all over the city, it is a real cultural salad and everybody is a minority. I am a member of probably the biggest minority there, for example.

Does it not make sense that a public school which draws most of its students from the surrounding area in a kind of feeder system would have a bigger minority problem? When it has new students from another area, they would be the isolated people. I find at our school it is every man for himself and it works out a lot better that way.

Our school is not the only example. Most separate secondary schools in Toronto, that I know of, do this. Of course, every school has its own local responsibility to pick up a certain number of students, but many of them, because of their individuality, draw students from all over the city.

There might also exist a dislike between students of the two systems if they go outside the one school. I know I have had that problem in several schools and I have talked to a number of people who have had the same problem. This dislike might exist, but if so it is for several reasons and it starts at the elementary level. Catholic schools are always complimented for their superiority. You have probably heard that several times here over the months, especially with respect to elementary schools. That is because Catholic schools are publicly funded up to grade 10. A huge number built after publicly funded Catholic schools were built, and still today, are far superior in many extracurricular aspects. Most of them have pools and large gymnasiums and libraries, things that many kids in Catholic schools dream about. That might be a cause of some tension. I do not mean that those awaiting Bill 30 should expect these things, but I hope members of this committee will at least consider the present discrepancies between the two systems.

Last year, for example, the Metropolitan Separate School Board, in comparing budget figures, stated that each and every Catholic school student in its system received \$832 less in tax support than a public student. That is sad, if it is true. I can produce for you, if you like, the form in which the MSSB presented that. There are already some present discrepancies you might like to work out in addition to that.

**Mr. Lamanna:** I would like to take a look at the moral fabric which we as Catholic students see existing in our Catholic schools. Before

leaving town for a three-week holiday, this committee heard from representatives of the Ontario Coalition for Abortion Clinics, a group that supports the illegal activities of Dr. Henry Morgentaler, a man who has had his licence to practise medicine in this province revoked several times.

During the last school year, a pro-life rally—not an anti-choice rally, as the OCAC has suggested—took place outside the Morgentaler clinic in downtown Toronto. While students were informed of this event and strongly urged to go, as Catholics not students, the only common denominator for them was their school. The students were not forced to do this by being told their participation at this event would be “good for their souls.”

As a matter of fact, most of the students took time out of their extracurricular activities after school to attend this event. I know that because I was there. They were not forced by any means to go to this event. Whether you believe me or not is irrelevant. I know I would sooner place my trust in an institution that for 2,000 years has stood for life and peace than in the two women of the OCAC who have accused this rally of being an anti-choice rally.

As Catholic students, we chose to go to that rally on our own behalf. We were not forced to do so; we were encouraged to do so. We feel that is the Catholic difference. My colleague will now expand on the Catholic school feeling.

**Mr. Meehan:** There is an almost exclusive feeling to a Catholic school that even a non-Catholic attending a Catholic school would experience. In my 11 or so years of education, I have noticed that, of everything I have learned, only 50 per cent was academic. I do not mean that was not enough, but the things I learned in Catholic schools taught me irreplaceable lessons in addition. Not only did I enjoy a high level of education, but I learned—and I hope still learn—trust, sacrifice, peace, love and honesty, virtues that should exist in schools of all kinds, but unfortunately do not exist in all of them.

That all this could be had in an environment of greater discipline is a greater tribute to the system. I would, if I could, recommend it to children of any religion because there is more to Catholic education than religion. There is solidity, yet flexibility. There is strength and a certain amount of wisdom and dedication.

**4 p.m.**

I grew up watching my principal—one of the earlier schools I went to was a good example of this—work his tail off trying to get for us things

that the local public school had. Occasionally he would use his own money because it was necessary. He would go out and get a football or something that sadly was missing from the school.

The funny thing is, when I talked to a friend who went to the public school in the same neighbourhood and I found we would have better attendance and better punctuality. I would say, "What is it like at your school?" He would say, "Half the people were late today and the other half were sick and the other half—" That tells me there is something wrong with his math to have three halves.

I watched men and women, including my own mother, do their own jobs and then come to my school exhausted to run bake sales and book sales and bazaars and barbeques, all with smiles on their faces to get money for things that the local public school might have had, that they thought would pacify Catholic students.

That does not mean that public schools lack this kind of community effort, but I believe what I experienced could only have been experienced in a Catholic school. The discipline and the moral fabric laid down by the teachers and the principal and the whole staff, even outside of religion class, were real pluses.

In conclusion I would like to add a final thought. Bill 30 does not really seem to attempt on the surface to at all dilute the present form of Catholic education. Some people have told you that to simply run two identical school systems is a huge and meaningless waste of money. But the Catholic school system is a tribute to the high standard of Ontario education and it is and must remain the pillar of strength for education in Ontario. To water down this system would be to waste money. We ask you to please support this system as it is and we shall all benefit in the process, I am sure.

**The Vice-Chairman:** Thank you very much.

**Mr. Epp:** I appreciate the brief these students have submitted. I am in somewhat of a dilemma in trying to rationalize or find out exactly which way you are going. I almost got the impression that you are saying because of the sacrifice and so forth that goes on in providing the education at your school and in other separate schools that there is a special dimension that was being offered.

Are you then saying that by giving full funding to the separate schools you will not have to have those bake sales and make those sacrifices and so forth, and therefore you will be losing something.

**Mr. Meehan:** Not necessarily. These events were organized for particular reasons. Sometimes it was for something so extracurricular no school would have it. There are still many more dimensions of a Catholic school besides this part of community effort that would be present even in a fully funded system. I am sure that even those people would look forward to having that burden of having to be tax supporters and tuition payers in grades 11, 12 and 13 lifted off their shoulders. Then there is the burden for the school to make up for the rest that the tuition does not cover. I do not think that would really wipe out any of the community effort.

**Mr. Epp:** You are not going to be going for the funding at St. Michael's College. Are you going to find that quite a handicap in the future?

**Mr. Meehan:** Me personally?

**Mr. Epp:** The families and so forth, also.

**Mr. Meehan:** I am sure other families might, but I will not. Apparently to leave the system and become a private school there is a three-year process. I will be paid for anyway up to grade 13. That is why I just came here, to give you a little shove.

Maybe some other families, yes, will worry down the road because they naturally assumed they would be sending their children to St. Michael's. It is an excellent school.

**Mr. Epp:** Yes, it is.

**Mr. Meehan:** They might have trouble with that.

**Mr. Epp:** Do you think that some of these students who might otherwise have gone to St. Michael's if they got full funding will now probably go to some other separate schools because they will get the support there?

**Mr. Meehan:** Yes. Maybe we are looking at a 20 per cent decline or something. You might see the school drop down to about 800 students. I think there will be a small number of people going. It is a fine school and it is a good example of Catholic education. Most of the people who would have been going there anyway will still go. They would not mind going the extra mile and paying that much more to go there; that is how good it is.

**Mr. Epp:** Did I understand you to say there are no non-Catholic students there?

**Mr. Meehan:** What I meant was it is a Catholic school and the only common denominator was that they were all Catholics. Until last year there were quite a few non-Catholics in the school. Then where there was space in local

schools, they were almost cracking down to make space for Catholic students in a Catholic school.

**Mr. Epp:** We found in our travels that there were separate schools that were primarily Catholic, but there were still—not a good number—a certain number of non-Catholic students in those schools. Where we asked the question, I do not know of any school we encountered where there were no non-Catholics.

**Mr. Meehan:** I am sure there are a couple.

**Mr. Epp:** Do you have any idea of the percentages or anything of that nature?

**Mr. Meehan:** I do not think we would be looking at any more than 0.1 or 0.2 per cent, just the odd couple of people. There are people who have no qualms about taking some of the Catholic education with the other students just for the discipline or whatever they might get out of it.

**Mr. Allen:** Some of the more interesting sessions we have had in the committee have been with students as we moved around the province. I am glad to see that two of you from St. Michael's College have come to make a presentation to us and to help clear up, from your point of view, some of the misunderstanding that might exist about some questions.

You have a note on page 2 that raises one of the perennial questions that is put to this committee as to which system is more tolerant and which system is not. I think our finding is that we have to conclude both systems promote tolerance and understanding, and that there is an unfortunate habit of comparing the ideal with somebody else falling short of the ideal. That happens on both sides.

We have found that many Catholic schools have quite a range of student representation and have courses in human awareness, human society and religious studies that promote that. We find also that the public schools try to foster ideals of fairness and understanding, and promote cross-cultural interests of one kind or another. I want to thank you for helping us with the work we are involved in.

**The Vice-Chairman:** I would like to ask you for clarification of a couple of comments you made on page 3. Where were you told that Dr. Morgentaler had his licence to practise medicine in Ontario removed? Have you discussed that whole issue in school?

**Mr. Meehan:** Even though the aura of Catholic education is present in everything, it would usually be discussed, as I think some

earlier Catholic students said, during evolution period, social studies period or something such as that.

It was discussed at my school during a religion class. I have eight classes to go to and one cannot really break into that in geography. It would come up during some kind of relevant class and it would be based on the premise that everyone would have the same underlying belief about what is news and what is not news.

**4:10 p.m.**

**The Vice-Chairman:** You were taught in school that Dr. Morgentaler had his licence removed, as far as you remember.

**Mr. Meehan:** No. I know he had his licence removed—not removed. I said suspended here, indefinitely removed, if that is what you mean. We might have talked about it in school, but that is not as if it were part of the agenda. It might have just come up in the class.

**The Vice-Chairman:** I do not want to get into a lengthy discussion, but one of the areas we as members of the Legislature have talked about is some of the values taught in both public and separate schools and how young people develop their values and so forth. Perhaps you would like, as part of your education process, to review page 3 and determine whether all of the information provided to the committee is accurate.

**Mr. Meehan:** Any conversation on that topic is based on the premise that every issue discussed in school is part of discussing what the moral fabric of society is, something one would assume everybody in public or Catholic school would want to know. That is where the Catholic church would stand on that, but every student is entitled to his own opinion.

**The Vice-Chairman:** I am not talking about opinion. I am talking about some of the facts, whether the licence was removed and whether he has ever been convicted of a crime and so forth.

**Mr. Meehan:** He has, but not in this province. That is okay.

**The Vice-Chairman:** Thank you very much. As Mr. Allen said, it is very good when students come before us.

**Mrs. Marland:** Mr. Chairman, you did ask one of my questions. If I may, did you write this submission entirely yourself?

**Mr. Meehan:** Yes.

**Mrs. Marland:** You did not review the content with anyone then?

**Mr. Meehan:** I did.

**Mrs. Marland:** With whom?

**Mr. Meehan:** My uncle who is a priest.

**Mrs. Marland:** Okay. I am not a member of the committee, but I am a member of the Legislature. On page 2, in the fourth paragraph, you make an interesting statement and I would like you to tell me what is meant by it. You say, "Catholic schools are constantly complimented for their superiority." Could you explain that statement to me?

**Mr. Meehan:** That is really from an impartial point of view. I see a lot in the news about how people would compliment Catholic schools about their superiority and then say it is not any justification for an extension of funds.

I have been watching the committee closely for a while and I have heard a lot from some of your people who state that while it is an excellent system, there are other things that make the extension of funds improper.

**Mrs. Marland:** Could you tell me what you mean by the statement, even if you are repeating something that you have heard? Superiority in what?

**Mr. Meehan:** Basically, that means in discipline more than academics. I think that is the big thing I am hearing.

**Mrs. Marland:** That whole sentence is something you have taken from what you have heard? It is other people's opinion.

**Mr. Meehan:** Yes, this is speculation. I gave a student's eye view, whereas I did not do that in the other paragraphs. In the other paragraphs, I would say this is what I see from my going to the local Catholic school and from someone else going to the local public school. Even someone from the local public school I would talk to would say, "You guys come in at nine o'clock and we come in at 11:30."

**Mrs. Marland:** Is St. Michael's really considered a local Catholic school?

**Mr. Meehan:** In some instances, it is to the local students, but it is just such an institution that it will draw students from everywhere. I live very far away from it.

**Mrs. Marland:** Would you describe St. Michael's as a local Catholic school?

**Mr. Meehan:** I would have to say yes, to an extent. It is also a citywide school because there are people from all over the city who travel a long way to get there.

**Mrs. Marland:** I have one final question on that same page. You make the statement that public elementary schools are far better equipped

with pools, etc. Could you give me the name of a public elementary school that has a pool?

**Mr. Meehan:** Bedford Park Junior Elementary School.

**Mrs. Marland:** It is elementary?

**Mr. Meehan:** Yes. I could probably get you 10 if you give me a couple of minutes. These schools have them. Even though they are made use of by the public after school hours, they are not present in Catholic schools.

**Mrs. Marland:** I do not know of any public elementary school that has its own pool. I know of facilities where a pool is a part of a complex with a public elementary school in it.

**Mr. Meehan:** How do you mean? This is a public elementary school and it has a swimming pool and it is made available to students.

**Mrs. Marland:** Yes, but is the pool operated by the school board or by the recreation and parks department of the municipality?

**Mr. Meehan:** It is not totally run by the school, but there probably is a co-operative program because it is made available to the public. I could go there after school, but in some schools it is part of the physical education program.

**Mrs. Marland:** That is the point I was trying to get at.

**Mr. Meehan:** There is not any curricular and public use; there is not that kind of sharing in Catholic schools, even schools that were built after public schools; so that is another kind of discrepancy.

**Mrs. Marland:** I will leave the point, but public elementary schools generally have not been built with their own swimming pools.

**Mr. Meehan:** But there are examples that I am sure tend to irritate some students in Catholic schools. I state that example of Bedford Park, which is just a couple of blocks away from Blessed Sacrament Separate School. When I went there I used to hear all of the things, such as: "They have a pool and we do not. They have a big library. Our gym can hold only 10 people."

**Mrs. Marland:** But you did just say it was a public pool and you could swim there.

**Mr. Meehan:** After school.

**The Vice-Chairman:** The point Mrs. Marland is making, I think, is that there are probably a few elementary schools that in co-operation with the city have developed community centre attachments that are actually owned by the city and not built by the school boards. That probably is the difference.

I want to thank you for coming to the committee. You are certainly very articulate. I might point out that for the three weeks we were not here in Toronto, we were not on vacation. We all wished we had been. We were having public hearings elsewhere in the province. Thank you for coming to us.

ONTARIO SECONDARY SCHOOL  
TEACHERS' FEDERATION DISTRICT 10,  
PEEL

**The Vice-Chairman:** The Ontario Secondary School Teachers' Federation, district 10, Peel, is the last presentation this afternoon. Mr. Mason, you will be the main spokesperson?

**Mr. Mason:** Yes, I will.

**The Vice-Chairman:** Will you introduce your colleagues for us, please?

**Mr. Mason:** I will. First, I would like to thank you, Mr. Chairman, on behalf of the Ontario secondary school teachers of the region of Peel, district 10, for this opportunity to present our brief. Each member of the committee should have a program with all of that material in it.

Assisting me this afternoon will be, starting on my extreme left, David Hughes. David is the speaker for our district council, a life member of OSSTF and a teacher at Chinguacousy Secondary School.

On my immediate left is Bob Garthson, vice-president of our district and a teacher at North Peel Secondary School. On my right is Jan Coomber, a teacher at Port Credit Secondary School and the chairperson of the status of women committee in district 10. I am Don Mason, vice-principal in the Peel system for a number of years, currently on leave of absence, and president of district 10.

We have a couple of comments before we get into the report. First, there is the outline I mentioned, which every member should have, as well as the printed brief. When you are looking at the printed brief, we have highlighted our comments in heavy print throughout the brief so that you can identify those.

In listening to the presentations from North York and Scarborough, it became very clear to me—I was well aware of it, of course—that there is quite a difference between the school system in Peel and that of Metropolitan Toronto or of other areas of the province. Despite the fact the region of Peel supports a large population and includes 26 public secondary schools, the effects of Bill 30 will be most harmful to the public school system.

**4:20 p.m.**

One of things I think we must look at there is that we have not had a problem with surplus teachers. We have been most fortunate that way, as we have been expanding. But in examining this legislation, we found there are a number of factors that have been included which we feel will be quite harmful. Mr. Garthson will comment on what is found in the brochure on page 2.

**Mr. Garthson:** I would like to say at the outset that the comments we present to this committee represent what we consider to be the real and serious problems related to the present Bill 30. They are not based on advice received from any public relations company but on experience we have had in working with students, with parents and with teachers in the communities in Peel.

Shortly after former Premier Davis made the announcement, a question was asked by a Peel student in my school. It went like this: "If the extension of funding is such a good idea, why were all politicians, Roman Catholic leaders and other leaders from the community not promoting it publicly from the beginning? Why is segregation not okay in other aspects of our society?" I confess to you I had difficulty in answering that question and I have asked that student to continue to explore the whole issue with all of us.

I suggest that when we talk about the values of the public secondary school system in Peel, if I may paraphrase the words of our director, John Fraser, "We wear them on our sleeve." We accept all students, all people, regardless of lifestyle, race, religion or belief. We do not ask them their religion and we do not accept them into the school on the basis of the colour of their hair or the music they listen to. We accept them all. We feel this is an important part of being in the mainstream of our society.

Our schools offer full program options wherever possible, and that extends into vocational, special education and technical education. Those programs cost the public taxpayer money, but they are important for our students and for the future of our society. Those students have a right to participate in a fully publicly funded school.

I refer you to the brief. I hope you have had a chance to look at some of the considerations we have raised here. Perhaps the central goals of our system, if I may highlight from the bottom of the first main paragraph, are for the school to prepare students to enter the full society knowing their responsibilities as citizens and in the world of work.

We are concerned about the kinds of pressures that may be put on students, and I know you have heard those concerns expressed around the province. We are concerned about whether students will transfer in the fall from the public system to the secondary; under what conditions; how many, and what impact this will have, even in a large system such as that in Peel, on the program options available to all students. Schools are run, as you know, on an individual basis.

We do not have answers to those questions and we seek them from the committee so we can do the best job as teachers for our students and so we can represent our members effectively.

Concerning the question of duplication of programs, we have a number of schools in Peel that will be threatened as a result of the possible extension of funding. I refer you to page 4. There is some information there that the committee should be aware of.

Originally, the proposed estimate was that it would cost the public \$40 million. Then it went to \$80 million. We ask whether the government of Ontario and the political parties represented here are prepared to guarantee adequate funding for both systems.

The information from the Peel Board of Education suggests the Dufferin-Peel Roman Catholic Separate Board will require four new secondary schools within the next five to seven years at a cost of \$15 million per school in 1985 dollars. The Peel Board of Education will require two new secondary schools within the same time period at the same cost, thus \$90 million.

Without the extension of funding, two new secondary schools in total would be sufficient. On strictly new facilities alone, an additional \$60 million will be required in Peel. That is \$60 million that is not available to improve the quality of education for all students.

In addition to that, due to the resulting aggravation of declining enrolment in maturing neighbourhoods, up to two secondary schools could be closed unnecessarily, with all the hardships that school closings entail for students, for the community and for staff. That is in Peel, where generally we are seen as a large and growing board where there are no significant problems. I would suggest you look at that very carefully.

I would like now to turn to what to us is a very serious question. In listening to the students who appear before us, we understand their concern; a Roman Catholic separate school wants to maintain a Catholic environment, an environment of

catholicity. That means in all their programs the fundamentals of their religious beliefs form part of their discussion.

In a privately funded denominational school that is fully understandable. I question, and I have questioned on page 10, how students who are not Roman Catholic can possibly be fully integrated into such a system. I am thinking of students who have to attend such a school due to distance or due to special program needs of which we are not even aware at this time.

I would like to give you an example. In Hart Lake community in Brampton there will be one secondary school built which will be a Roman Catholic separate school. If students are to stay in their community and not be faced with the problems of busing to school, they will go to that school. My two children live in Hart Lake and they will go to that school, if they choose to do so, by living in that community. How can they fit in? How can we avoid those children being ostracized, inadvertently, because they do not fit into that mainstream when they are expected to participate in that environment of catholicity?

That is a concern we have to look at because I am sure the Hart Lake example can be reflected in many communities, not only in Peel, but around the province. Who is going to answer to those problems? How is legislation going to solve those problems?

I suggest it can be extended into many other examples. Let me give you one. I have had the opportunity, as a member of the Ontario Secondary School Teachers' Federation, to participate in the Excellence in Education booth at the Canadian National Exhibition. When I was there the other day, a young student went by the booth and asked if he could have a balloon. The father stopped the young child from getting the balloon and said: "Do not go there. We are Catholic."

I invited the father to come over. We welcomed him and the child to the booth, and eventually they did come over and accepted the balloon and a hat. For those of you who have not had the opportunity to see those, we certainly have examples of those for you. It says: "I support public education. Public secondary education—high on excellence."

**4:30 p.m.**

The child took the balloon and the hat and went with his father on to the next booth. A few steps away from the booth, we could hear the mother say: "What are you doing with that balloon? Take it back."

I suggest that is a very serious problem for our community. It is creating a dilemma for that

young person which need not be there. We welcome that student and his father and his mother into our schools and into the booth and yet who is going to answer for that problem, that question?

I raise the question concerning co-operative education and I do not think this question has been raised with you before. Will Roman Catholic separate school students go to jobs, co-operative and permanent, where employers assign their taxes to Roman Catholic schools, and will public secondary school students go to non-Catholic employers? Are we going to restrict co-operative education as well? All of you know jobs generally grow out of experience in employment. Are we going to restrict jobs based on the religious affiliation the young person has? That is something we have to think about because it happened in the past. We would hate to see it happen in the future.

We raise questions on continuing education at night school and summer school. What will happen if programs cease to be viable, if neither school system can operate them? Are they going to compete for students? Are they going to be assigned to one group? We do not have answers to those questions and we seek answers.

1. A recommendation we hold strongly and would like you to consider: at the very minimum, every community should have the right to a fully viable, public, nondenominational secondary school before any consideration should be given to establishing a publicly funded denominational school. No student should feel ostracized because of required association with the symbols and teachings of a particular religion.

2. We recommend you seriously consider unified school boards, not necessarily the model you have heard before, but a model that would promote unity and prevent duplication and unnecessary expenses. You have an obligation to consider that formally as a committee.

3. If, for any reason, a student should be required to attend a publicly funded denominational school, that student should have immediate access to someone comparable to a provincial Ombudsman when and if the need arises, unencumbered with complex legal processes.

In conclusion, the concept of completion poses a very real problem. With two totally funded systems, the question raised by Premier Davis in 1971 still stands. "To embark on such a policy," he said, "could not be in reason or in justice limited to some faiths and denied to others. Nor could it in logic be limited to the elementary and academic secondary school

systems alone. We would invariably be obligated to proceed throughout all our educational institutions to fragment and divide both our young people and our resources from kindergarten through post-secondary university studies." I ask you, is that going to be completion?

What will the future model be—a public system that offers a full range of programs, including vocational, technical, those kinds of high-cost, high-technology programs with no restriction to school clientele, or a separate selective program with specialized service which could be attractive to certain personnel but would not be available to everyone? Where should public money go at a time when all of you are telling us that times are tough? Surely to programs that promote good citizenship and work-readiness for our young people.

What arguments have been put forward to indicate that the two systems would be better for all students? That question has been answered. Many people have expressed opinions, but I have not seen any studies that suggest a direction in which we should go.

Where are the readily accessible protections for young people should the extension of funds go to Roman Catholic separate secondary schools? I have given you some quotations. One I read. I will not read the ones from Dr. Stephenson or former Premier Davis, but they are there for you and they certainly state quite clearly why they were opposed to extension.

Because the Minister of Education chose to quote Sir Wilfrid Laurier in his closing remarks—and as a historian I always delight when someone quotes someone from the past so I can find out whether he quoted him accurately—I will quote you a later statement by Prime Minister Laurier. He is saying this not to a group he wanted to please but to the Club National in Montreal, a Roman Catholic organization. I have included it for you, but let me quote the last part:

"Let your convictions be always calm, serene and superior to the inevitable trials of life. Show to the world that catholicism is compatible with the exercise of liberty in its highest acceptance; show that the Catholics of the country will render to God what is God's, to Caesar what is Caesar's."

I suggest you all consider that. We welcome everyone into our schools. We would welcome you into our schools and we would like to have an open mind on this question.

**Mr. Mason:** Thank you, Bob. Jan Coomber will now proceed on the impact on minority groups.

**Ms. Coomber:** As chairman of the status of women committee, I am obviously primarily concerned with the issues as they relate to female staff and students, but I would also like to look at the concerns we have with regard to minority groups.

When we look at an amendment to the Education Act, there are three major considerations for women, young girls and minority groups in Peel: the impact on the affirmative action and equal opportunity initiatives at the Peel board, the impact specifically on female students and the impact on the multicultural nature of Peel.

The transfer of students from one system to the other will inevitably cause a decline in the number of teachers in the public system. A decline will have a severe impact on females and on members of minority groups employed by the Peel Board of Education.

I refer you to an earlier submission made by Shelagh Luka on July 30, 1985. She outlined very clearly the implications across the province, and Peel fits very well into the mould she described for you. It is very typical in regard to the distribution of staff by sex.

I would ask you to refer to page 11 of our brief. There you can see that the majority of female teachers have less than five years' experience and would therefore, because of our collective agreement, be the first people displaced by a movement of students from one system to the other. We also know that minority groups will be similarly affected.

**4:40 p.m.**

There are also proportionately fewer women and minorities in positions of responsibility in Peel in relation to total numbers. The figures are as follows: Seven per cent of the principals in high schools are women; six per cent of the vice-principals are women. Of the heads and assistant heads, 34 per cent of the heads are women and 43 per cent of the assistant heads are women. I would ask you to consider, however, that not only would a shift in students because of the extension of full funding, but also the implications of OSIS and, to a certain extent, declining enrolment in some areas in Peel, make those positions of responsibility vis-à-vis heads and assistant heads much more tenuous.

Women are also under-represented in certain subject areas. Thus, the presence of women and minorities in positions of responsibility and nontraditional subject areas are endangered by this legislation.

In 1984, the Ministry of Education introduced an affirmative action policy which recommended, and I quote, "Goals and timetables for hiring, promotion and training of women employees at all levels."

In June 1985, the Peel Board of Education introduced its policy of equal opportunity for all. This is farsighted, fair and designed to eliminate some of the previous anomalies. I would ask you to consider how the board can implement that when the very groups affected will no longer be with the Peel board in large enough numbers.

The Ministry of Education has provided initiatives towards equal opportunity and affirmative action to provide a wide spectrum of role models for staff and students.

I would like to address this issue, which I see as very crucial. Studies in Britain, Australia, the United States and Canada show there is a distinct correlation between successful women and female faculty to whom they were exposed. That does not only apply in certain subject areas; we hear a lot now about the problems we have getting girls to go into maths and sciences. That is a problem, but studies show there is a distinct correlation between girls being successful after school and whether they had female teachers in any subject. Therefore, if we have fewer in the public school system, we will be depriving the girls in the system of the very role models they need.

The ministry also introduced an open-doors program to provide young women with role models for nontraditional careers. We must assume, therefore, the ministry is very well aware of the impact of role modelling. Yet female students and students of racial, ethnic and religious minorities will be deprived of that because it will not occur in the schools.

The Ministry of Education is working on programs to eliminate sex stereotyping and introduce nonsexist materials. How will these programs be affected by the fact there are few women to impact the message?

In a board with a very distinctly multicultural population, it is important to integrate our students, as citizens whose ethnicity, racial or religious backgrounds are valued and equal, into society.

The Ministry of Education's affirmative action incentives, open-doors initiatives and the idea of a multicultural society all point in one direction which may very well be jeopardized by this move to full funding of separate schools. I would therefore ask that a full analysis of the impact on

females and minorities be made before this legislation is implemented.

**Mr. Mason:** David Hughes will now comment on the impact on Peel teachers.

**Mr. Hughes:** I know we will be seen clearly as a protective organization and I do not try to hide the fact that the points I am addressing are those that are important to us. I know also that many of the concerns will have been heard before. What I intend to do is to zero in on two or three points only and to do so from the point of view of someone who, like many of my colleagues, has spent much time protecting teachers.

The group about which I am concerned here is those who will be going to the Roman Catholic system as designated teachers if the legislation passes in its present form. I need to know, and they need to know, exactly what their rights, privileges and prospects are. I address this on pages 12 and 13 of the brief.

Before I come to the question of what happens to those teachers when they are in the Catholic system, I raise for you at the bottom of page 12 an interesting question. According to the way the legislation is worded, our teachers, those who teach in the public system, will be allocated positions available in a separate school.

It is with regret that I must say this and even more that I must put it on paper, but I think members of this committee should be aware that there are various ways by which the number or the type of such positions can be manipulated. It has been drawn to our attention that in several cases, positions existing in the separate school at the secondary level as a result of expansion can be filled by the placement of teachers who are at present teaching in the elementary section of a separate board. This then means, of course, that no secondary vacant position exists. Therefore, the opportunity to place surplus public school teachers in such positions no longer exists either.

In addition, on page 13, we show it is equally possible to manipulate the position that is available. It says very clearly in the legislation you are considering that the position can only be filled by somebody whose qualifications match it. I would draw to your attention that prior to determining whether or not the qualifications match the position, it is possible to change the nature of the position and the qualifications required for it. So, it is possible that individuals from the public school system may not match it.

I say this with regret and I am sure it is not a common practice, but you are charged with reviewing legislation and trying to make it perfect. From our point of view, and protecting

our members, these are two weaknesses which need to be addressed.

I refer to the bottom of page 13 of the brief. There are a lot of arguments floating around, but it seems to me, at least from my reading, that if I am declared surplus to a public school board because of the implementation of funding, I am entitled to a vacant position in any Roman Catholic school board throughout the province.

Subsection 136(8) could perhaps be drawn to the attention of the drafters of the legislation. There seems to be some contradiction as to whether the vacancy would be in a coterminous board or in any board.

I have a general comment about the top of page 14 of the brief. We have not addressed the issue of the planning and implementation commission, but it is fascinating. They seem to do everything. To paraphrase what my colleague has said, they seem to be both Caesar and God, and as far as I can see, they have so many jobs to do that they are going to create a bureaucracy that is probably equalled only by that of the Ministry of Education. Incidentally, the Ontario Secondary School Teachers' Federation is quite prepared to organize them, if it is appropriate, into another bargaining unit.

It is funny that, of all the things they can supervise, there is one thing they cannot and that is the question of whether a teacher does have the qualifications to match the position that is available. Surely if everybody can appeal everything else, ad infinitum, it is only proper that a teacher has the right at least to go somewhere and say, "No, you are wrong, separate board. I do have the qualifications for a particular job."

**4:50 p.m.**

The remaining comments I have to make are on page 15 of the brief and they relate to some issue which I know has been brought up before. That is the question of, "shall not be discriminated against on the grounds of creed." I know there has been debate and I have tried not to repeat what you have heard before in what we have written here.

As I said, I do it from the point of view of somebody who must advise our members, at some point, about whether to accept a designated position with a Catholic school board. To try to help you, a series of questions has been posed. It says: "What would be the effect on...?" Now "effect on" to me means right there: Are you going to be fired? Are you going to be reprimanded? Is something going to go into your file? Will you not get promoted or whatever? It lists a number of situations which, quite frankly,

I can readily see occurring, because we know they have occurred in many cases in public school boards before.

What happens if the individual is not a Catholic and wants to take a day off to celebrate a holy day which is not within the Catholic calendar? We heard some discussion on the previous presentation on the issue of abortion. I am not going to get into that, because it is almost too straightforward an issue. I suspect the whole of society polarizes on that regardless of attitude.

There are a number of issues on birth control, whatever else. What happens to a Protestant teacher who does not agree with the official Catholic dogma? Is that permitted? Is that punishable? I do not know. From my point of view, the legislation simply does not make that clear. I cite on (d) and (e) the issue of what happens if somebody is divorced outside the Catholic faith or marries outside the Catholic faith. From my point of view this is worrying.

May I draw your attention back to a presentation made some time ago by, I believe, our colleagues from the Ontario English Catholic Teachers' Association. Right now if somebody obtains a divorce or marries outside the Catholic faith, he or she is dismissed or an attempt is made to dismiss the person, and the teacher organization, in this case OECTA, attempts to defend him or her. The batting rate is zero. They have all been fired.

I must know as an individual what will be the position of one of my present members, Catholic or Protestant, who goes to a separate school board and the same thing happens. Will they be fired? Surely when you are considering legislation, questions of this nature must be clarified so the individuals involved know exactly what is going to happen.

I have a comment about the top of page 16, and then I will be finishing. I relate, and maybe it is a coincidence, to the event which the previous presentation referred to, the famous Morgentaler case. I will not go into the merits of yes or no, but I did note with interest in that presentation the following two statements, and I quote: "The common denominator was the school," and, "They were strongly urged to go." The same presumably applies to the instructors as to the students.

What would happen to one of my colleagues in such a situation if my colleague did not go? What protection would they have in the legislation against harassment, deprivation or lack of promotion?

Finally, there is something which as a teacher concerns me enormously, and I know that other groups have made this presentation before. As a teacher, I need to know something. Are there restrictions on the way I may approach subjects?

I will ignore the one on evolution, but I quote the example here of the Jesuits in the 17th century. Am I permitted to point out that most historians would agree that there were serious adverse impacts upon native Canadian culture by the introduction of Christianity and western values, and even the introduction of western diseases?

Can I quote that at the same time as I would quite responsibly point out that, on the other hand, it meant the introduction of the Christian faith? In our schools, we do so. Incidentally, we have done so in a sense because of what happened over the discussion on evolution.

Those of you who have been school trustees have known that the ministry has put out guidelines by which we will approach this in which all points of view must be covered. I must insist that we should know whether we can have the same freedom in the separate school.

I think it has been pointed out before that surely it could not be expected of everyone designated into a separate school that he or she would have to be qualified in religious education instruction. I hope the legislation would allow us some latitude there.

As to the last point, there is a group that is in danger of being forgotten. It is quite a small group at this point; there are only six people in Peel. However, we have already had teachers in Peel who were surplus and who have accepted jobs with the Dufferin-Peel Roman Catholic Separate School Board prior to the passage of the legislation, etc. I beg the committee to consider the feasibility of protecting those individuals, who may not all be Catholic. We have never asked but many might not be. They should have the same protection as those who will be designated with the passage of the bill.

**Mr. Mason:** My comments deal primarily with the collective agreement. I will keep them brief and point out three or four areas where we have found some difficulty.

If you look at page 14 of our brief having to do with retirement gratuity, the legislation spells out the process for retirement gratuity. However, the region of Peel in its collective agreement with its teachers does not use the same process as the legislation spells out. Retirement gratuity in Peel is not in any way related to accumulated sick leave. It is based on the number of years the

teacher has taught in the system. Therefore, it is inconsistent.

I point that out as an area we feel needs to be looked at carefully. As I quote in that section two thirds of the way down on page 14, we might say: "Nothing in this section shall diminish any rights to a retirement gratuity held by a designated teacher in a public school board at the time of transfer. Upon retirement from employment, the teacher shall be entitled to payment by the public board."

We suggest that might be a way out of it, if the legislation goes in that direction. It clearly discriminates against the existing practice of the Peel Board of Education and its collective agreement with its secondary school teachers.

If we look at the next section, section 17, the question is simple. It is "Why?" Sick-leave benefits seem to be something that cannot be transferred unless it is a coterminous board. We wonder why there is discrimination on that in the legislation. We feel that must be changed.

On page 17, there is an area that is important to us. I have spent a number of years of my life looking at the staffing processes for the teachers in the region of Peel in co-operation with the Peel Board of Education. We have worked out an extremely effective and positive agreement that has provided for a smooth staffing process. It is because of this collective agreement and because of the work that both the board and the Ontario Secondary School Teachers' Federation have done that we have avoided specific problems.

The commission is the body that is apparently going to have something to do with this. We want to make sure the commission considers such collective agreements; I guess there are 100 of them around the province. We have heard about a few in Metro. I am not familiar with all the collective agreements in Metropolitan Toronto or in the province. I am sure no one on the committee is familiar with them all. There are many agreements that are positive, simple and well-worked-out processes. I would not like to see them interfered with or destroyed by the commission.

I would like to add while I am mentioning this that in the process of preparing this brief we had the full co-operation of the Peel Board of Education, which I understand will be making an oral presentation in September. I did want to add that at this point.

On page 17, referring to section 136x, which was referred to earlier today, both boards of education are called on to comment to the

commission and we feel employee groups should also be involved in that.

**5 p.m.**

When I look at our reference to clause 136x(8)(c) at the bottom of page 17, we do have difficulties with that. Does the committee have the authority to provide for procedures that are in conflict with current collective agreements? We see a number of those. What happens to the individual teacher? I was not able to see an appeal process for a specific employee. David alluded earlier on to some sort of specific process for appeal.

Bob mentioned earlier that an ombudsperson—I think that was the term he used—might be necessary to assist students or parents who are having difficulty in interpreting their rights as far as this legislation is concerned. Possibly such a person might also be available to assist employees, not only teachers, but any employees adversely affected.

We feel there are a number of major problems and we have pointed out some of those to you today. You have heard from many other groups across the province and you are familiar with them. We are very much in favour of a nondenominational school board. We feel the legislation needs to be thoroughly re-examined at least and the areas where there is conflict and where interpretation is difficult or impossible need to be re-examined and re-evaluated.

We commented on the commission. We have been before that commission looking at the funding of private schools, which is going on at the same time. We are very much aware in the region of Peel, as Jan mentioned, of the many racial groups that are moving into that area with different religious values and different ideas of what the education system should be. Our feeling is that a single, public secondary school system is best for all those people and that special privilege should be paid for.

That is the end of our report. We would like to entertain questions at this point and sum up later.

**Mr. Offer:** As the member for Mississauga North, it is a pleasure to hear the contents of your brief. It is interesting to note that some of the problems about which we have heard, the refinements to Bill 30, according to your presentation are not exclusively related to boards with declining enrolment, but also affect boards with increasing enrolment. It is something we ought to keep in mind and I can assure you we shall.

My first question concerns the three fundamental assumptions found on the first page of

your brief. I am curious about your third assumption, suggesting provincial solutions to local concerns. We have heard from many boards, groups and what not throughout the province who feel there ought to be local solutions to local problems. I would like to get some idea about this very basic assumption that there ought to be or can be provincial solutions to each and every local concern.

**Mr. Hughes:** We can be very pedantic in terms of what words mean. You can define "solution" one way or the other. The intention behind that is very clear. What has happened is a decision that is provincial. We do not know what the format will be because we do not know how the bill will look. Nevertheless, that bill flatly establishes a provincial framework. In our opinion, it is totally improper to try to come up with variations to provincial philosophy according to whether or not they happen to be peculiar local circumstances.

Before you came to this point, I think you reinforced what we said when you said that, in addition to places with declining enrolment, the same basic problems exist for those with expanding enrolment. The issues we are addressing are the fundamental ones.

When we talk about solutions, we do not mean the province must decide whether that school should have three rooms and that school have four. What I am saying is that the rules, however, the fundamental rules, must be provincial and must be followed in all jurisdictions, regardless of feeling.

**Mr. Offer:** To carry on, as a supplement to this particular answer, can you tell us whether there is any ongoing discussion or co-operation between the particular boards in the Peel area, the coterminous boards?

**Mr. Mason:** This year there was an agreement between the Peel Board of Education and the Peel-Dufferin Separate School Board that was referred to earlier in regard to surplus teachers. We did not enter into that agreement. As a federation, there were some facts we could not go along with. For example, there was not any guarantee beyond one year in respect of employment for those people.

However, we agreed with what they were doing. It seemed to be a positive move, and it was a very co-operative effort as far as both those parties were concerned. I was informed of it kind of after the fact and did get involved with the separate school superintendents.

Essentially, what happened was that the separate school board offered 21 positions to

surplus teachers in Peel. The problem was that when those 21 positions were offered, the Peel board was in the process of staffing, and in that situation you never know how many positions you are going to have. If a person is going to be terminated, he has to be terminated by May 31. You do not know then; there might be four positions coming up.

We have a process for that—it is part of our collective agreement—so that those people might be placed in June. These people had to decide before May 31 if they were going to go to the separate school board or take their chances and remain with the Peel Board of Education, hoping to have a job. I had the delightful task of trying to advise them as to what the best solution would be.

Of those people, and there were 50 names on the list at that point, six eventually took jobs with the separate school board. All 50 were offered, I believe, at some point in the process. I did not ask them what their religion was, but I know some are not Catholic. You saw, I believe, one of those people on a film the provincial OSSTF presented who had been offered a job and turned it down. My daughter was offered such a job as well and she chose not to for the reasons that were expressed. She felt she was not Catholic and could not teach in the separate school system with the requirements that were placed upon her. That co-operative system was there.

In addition to that, after all the staffing had been completed, a number, which I do not know exactly, of teachers from the public school system in Peel were hired by the separate school board for positions of responsibility. I do not know how many of those people were hired, but there was some transfer.

After all of that was over, all of the remaining 41 teachers who had been surplus were placed and teachers were hired from outside because of attrition. We are not growing that much, but we are declining somewhat in the sense of staff retiring and there is a slight growth in population.

**Mr. Offer:** Going along in that particular vein, are you aware of any further meetings between the boards with respect to further co-operation that they may be having with respect to their local concerns?

**Mr. Mason:** I am not aware of any. I have not been informed of any in that regard.

**Mr. Offer:** You used your daughter as an example of someone who refused the position.

**Mr. Mason:** She was given the position, yes.

**Mr. Offer:** And refused to take it?

**Mr. Mason:** Yes.

**5:10 p.m.**

**Mr. Offer:** It has been brought to the committee's attention that possibly certain teachers who are declared redundant ought to be given the right to object on account of conscience with respect to being offered employment on the coterminous Roman Catholic board. I wonder if you have taken that to mind, whether there ought to be a right for teachers to object on a matter of conscience.

**Mr. Garthson:** Very clearly, we would support that position if a teacher or any employee is not to be adversely affected. If they feel for religious or psychological or whatever reasons they cannot participate as an effective teacher in a separate secondary school, they should have a right to stay in their public secondary schools. We would support that absolutely.

**Mr. Offer:** One final question. It is again with respect to what Ms. Coomber brought up on account of the impact on women. That is another point that has been brought to our attention many times. I wonder if you have any suggestions about how one might lessen the impact, if any, on women with respect to this full funding.

**Ms. Coomber:** Without a change in the collective agreement, I really do not see that. One suggestion might be that there would have to be in every school at least one guidance counsellor and one female physical education teacher. That is a possibility. However, I can see objections from my male colleagues who have more seniority and qualifications but would be asked to move to the separate school board or would be declared surplus because women have been given this special position. That is a solution, but then it brings with it all sorts of problems. Therefore it is not really a solution.

**Mr. Offer:** Thank you.

**Mr. Mason:** Bob wanted to comment on that.

**Mr. Garthson:** A problem exists for unique minority groups, women included, and that is why we are referring to it. If someone says he cannot in all conscience go to that other system, then I think he should have the right to stay in his own system. If a department—for example, a mathematics or science department—were to be affected in such a way that there would be no female teachers left in that department, then surely there should be some mechanism in place to protect the role model as Ms. Coomber has pointed out.

There are two things that could happen, but for the good of public education both things should

be seriously considered. Unless they are considered, there is a legal question that will plague us for as long as it exists.

**Mr. Davis:** I have just a couple of questions.

First of all, thank you for the brief. It is excellent and very detailed and I enjoyed your not referring totally to it but adding your own comments. It made it interesting.

On page 4 of your brief you state the Dufferin-Peel Roman Catholic Separate School Board will require four new secondary schools in the next five to seven years and your board will require two, but if there was no extension, you could do it in two. Tell me how you do that.

**Mr. Garthson:** The Peel Board of Education will present a brief to you at a later date.

**Mr. Davis:** Will you tell us now?

**Mr. Garthson:** They have provided us with that information. Obviously, schools are different in size and can accommodate varying numbers of students, given the facilities that are available in Peel. The board has assured us it has the figures to back it up. They have assured us that is so and we will present that to you. I indicated at the time that they have that information.

**Mr. Davis:** Thank you. I will ask that question. I would like to know that.

Would you define for me what you understand by the term "red-circle"?

**Mr. Hughes:** I know what it means. When we employ it, it normally means the teacher stays at that salary. Let us take one that has nothing to do with the whole issue. It might be clearer. Suppose you have a process where somebody is red-lettered. If you are a department head, you lose your department headship. You are making, let us say, \$38,000, including your department headship. If you red-letter it, it means you retain the salary of \$38,000 until the normal contract salary reaches or exceeds it.

**Mr. Davis:** What do you think it means in Bill 30?

**Mr. Hughes:** I do not know. My understanding is that it is worded that way in Bill 30, because I think what it means is that you would retain the salary you had in the public board for the first year of your employment with the separate board. My concern in that respect is that since there are salary differentials, there is a chance the salary might still be lower than what the person was making in the second year.

**Mr. Davis:** Thank you. That clarifies what your intent is. I have a question to ask somebody else later on that.

There is only one other thing I would like to say. I guess it is fair to point out that a number of briefs that have come before us lately have indicated concern about the designated teacher refusing to participate in sponsored political activities during the school day. I would point out that this does occur in the public system.

You can recall Bill 127 when the teachers and trustees encouraged students to take part. They did not say they had to, but they encouraged the students to take part, not to any degree, but I think it is only fair to say it has happened. When you pink-list a board, you also encourage your staff not to teach summer or night school.

**Mr. Hughes:** I think the question I was putting, sir, was what happens when you do it? What happens if the person does not do it?

**Mr. Davis:** Yes, I know that was your question.

**Mrs. Marland:** As a previous trustee on the Peel board, I must say I have sat here this afternoon with a great deal of pride in your presentation. I think it is excellent. I would like to congratulate you on the openness and, perhaps even more so, on the fact that the entire presentation as you went through it—

Unfortunately, I did not have a copy at the time. As you know, I am not a member of the committee, so I have tried to read it as you went through it. But I feel that you did it not only in the interest of the staff that you represent, but equally in the interest of the students. It is that aspect that I am very impressed with.

It may well be in here, but for the record, is it true the Peel Board of Education is now the largest public school board in Canada?

**Mr. Mason:** To the best of my knowledge, it is the largest public school board.

**Mrs. Marland:** It is second to the metropolitan separate in Montreal.

**Mr. Mason:** Yes.

**Mrs. Marland:** I know in here you give the student-body figures and projections. Do you also have in your brief the numbers of staff at those panels? Can you just give us a ball-park figure?

**Mr. Hughes:** I have that stuff the board produced. The number of secondary students is of the order of 29,000. The board of education, I believe, will be making this information available to you.

**Mrs. Marland:** What about the number of staff data?

**Mr. Mason:** About 2,200. It is right here on page 11. It is 2,226.

**Mrs. Marland:** Mr. Garthson, you talked very clearly about the acceptance of all students and how the public secondary system provides programs for all students. I wondered whether you could elaborate a little more on that in terms of the quality of programs and where you might see the quality of programs being somewhat in jeopardy.

**5:20 p.m.**

I did attend one of the meetings here one day when one of the Catholic groups spoke. The discussion was evolving around vocational school programs. They were talking about the kinds of programs they would put in instead of vocational ones. They were saying they perhaps would not get into heavy-equipment shops, but more into high-technology kinds of programs.

I questioned them as to whether that was a rather elitist kind of education and whether it was really going to offer an educational opportunity to students who cannot cope with anything but heavy, shop-type programs as I am aware of them in the vocational schools. The answer was: "You can. It is amazing what kind of student you can involve in a high-tech program."

I wonder whether you would comment on how you see the necessity for vocational schools or vocational programs at the secondary level and, as an extension of that, how you see an impact on the quality of program opportunity for the average student in a public system.

**Mr. Garthson:** I suppose I could go on at length, as I have taught in every type of school imaginable. In the last half-dozen years I have been teaching in a vocational school by choice. That is North Peel Secondary School, the largest vocational school in Peel.

I believe we have to look at a number of things we have been told about the future. One is that no one job is going to be there for a young person throughout his or her life. The most important thing is to learn flexibility, citizenship and how to be part of a working, living environment. Of course, all variations of technology, if they can be afforded, should be provided to students. That goes right from computers and high-tech to the hard shops, the hands-on things.

The reason you do that with a young person is to build confidence, to give experience so he can to go on and reach his highest potential. We have many students who have come out of the vocational school since I have been there—I have been in that school since it was opened—who have gone away beyond any expectation anyone would have placed on them. That is because they

had the opportunity to learn, to grow and to experiment.

It is absolutely essential that a system offer that. This summer I have had the opportunity when working on this issue to talk to people from around the province. It is unfortunate that sometimes people have to decide to cut out a co-op education program, a business program or half their technical shops because of enrolment or expense or, conversely, because of not updating the technology. I am sure you are aware from studies you have seen that our schools are in sad shape in many places around the province because they need to update equipment.

That is where the money should be going and that is where we are committed to providing the program. It is the experience and the contact, the certainties that grow out of that and the experiences in the community that in turn grow out of that which build citizenship and provide people with the opportunities to become employable.

That is what we are committed to, and we are committed to everyone. We do not ask what their religion is. We would never get into the debate as to whether we have better discipline or whether we have better programs than another system. We provide the best we can in the facilities we have available. We invite everyone on this committee to attend any of our schools to see what is going on; they are not closed.

**Mrs. Marland:** You referred to some of your experiences in discussing this aspect with other people from around the province and the confirmation for you that many schools exist today that do not have upgraded equipment. Obviously, there would be one answer for that: lack of money. Have you a concern about the viability of many of the programs for that reason in the future?

**Mr. Garthson:** I have been told uncategorically by people from all around the province that they know programs that will be stopped in the schools. In some cases, technical programs will be stopped totally; they just will not be able to run them. I talked to a mother from Muskoka who told me the school had made a decision to cut back its co-op education program because it could not finance it. That will exist in communities in Peel as well. When the number of students goes down and a school comes close to being closed, obviously the program options are reduced.

I think it is a common problem across the province. Surely that has to be the greatest concern of the government of this province.

**Mr. G. I. Miller:** Would you be willing to share those facilities and expertise with the other boards? Could you not share facilities and programs?

**Mr. Garthson:** Absolutely. They are public facilities. As members of the public, parents, taxpayers and teachers, we offer our system to everyone. We have offered workshops, professional development and conferences for students this year. Our schools are open to everyone. We have people coming through all the time. We have people in our vocational school who come for all reasons, from getting a loaf of bread, or getting their hair done or their cars fixed, to learning how to do all those things. We welcome everybody.

**Mr. G. I. Miller:** Can you do it under Bill 30?

**Mr. Garthson:** There will be serious restrictions to that. It will set up divisions which this society will find very difficult to justify. I do not think there is any reason that anyone should ask for special privilege. I would hope those people who would seriously consider that now will perhaps, given the guarantees provided under the Charter of Rights, become an equal part of the society but not specially privileged.

**Mr. Allen:** I want to thank the Ontario Secondary School Teachers' Federation representatives from District 10 for their brief. I see two of them with whom I have had long and congenial discussions, but not always ones that ended in agreement on some of these issues in the past. I am also pleased to meet additional colleagues.

I have a couple of questions. I want to pick up on this last point. In your situation and in many parts of Metropolitan Toronto, why would there be an additional problem in the delivery of programs of technical education under Bill 30 rather than in the absence of Bill 30? I say that, knowing there are some parts of the province where that would be the case because of the distances between schools and concentrations of population with different characteristics and what have you, and knowing there is a major problem hanging over technical education in particular that is totally outside the question of Bill 30.

Ignoring that, and given the proximity of schools in an urban area, what further problems do you see Bill 30 placing in the way of the delivery of those specialized programs for what really amounts to the same number of students who happen to be configured a little differently under Bill 30?

**Mr. Garthson:** As I pointed out, there are some locations where, because of the expense of setting up programs or trying to provide full programs to schools that are going through decline—there are several communities where that will occur in Peel—that will be a serious problem. I do not think there is any doubt about it. If you talk to people in the schools, you can see that.

The other problem is that we are diverting millions of dollars to set up something special. I used that example of cost. That money could go into updated resources that could be available to everybody.

**Mr. Allen:** Let us at least concede that if we did not make this move, it is quite conceivable the existing government would pour none of those dollars in the direction of the public system. They might well spend it on health, which takes a big bite these days. That would be the end of that money. It is going to have to be found somewhere.

There has been no evidence from any government or any responsible official that there is going to be any decrease in dollars available for legislative grants or any funding for the public system. If that is the case, it strikes me that while the delivery might be structured slightly differently, in major urban areas in particular, programs like technical education would remain essentially viable, although conceding this is a secular problem outside the existing one of decline in that area.

5:30 p.m.

**Mr. Hughes:** May I try to answer that specifically? In theory, your statement is correct; in practice, it breaks down because of the way the schools are structured. If you take a school that has a population of 1,000 and operates a technical program of X size with so many classes of kids, say you have three classes of kids taking computer technology and there are 10 or 15 in each class, it works.

But break that into two schools of 500, just for the purpose of argument, and it becomes impossible—I think Mrs. Marland would agree—in terms of the staffing, the contract and everything else literally to offer those small, single sections in specialized subjects. You cannot do it without increasing the money that would be required from either the taxpayer or the government for both systems. It cannot be done.

It is not, incidentally, just that. Until recent changes, the same characteristic was becoming apparent in French. There has been a reversal because of OSIS. It is to some extent true

nowadays of subjects such as music and art. All of it is specialized. All of it requires a large base from which to draw. Perhaps only one kid in 50 or 60 is interested in that subject. Therefore, you need a large pool of kids if you are to justify the program. That is the difficulty.

**Mr. Allen:** Apart from the secular trend of demographic decline in an urban area, this bill, as I understand it, does not in any way affect the pool that would be available for a shared facility.

**Mr. Hughes:** It depends on what you mean by "shared facility."

I do not want to get into details on this but let me give a specific. Suppose you had a single school and it was offering one section of any technical subject. If you broke it into a separate and a public school board, you would then have, let us say for argument purposes, one section each in the public and the separate school. This means that if the only facilities are available in the public school, you require twice as many classrooms, so the whole circle revolves back again. You do not have room for people to take it because you need the public section and you need the separate section, but you have only the one room, you have only the one printing press if the subject happens to be printing, or anything else for that matter.

**Mr. Allen:** With regard to the question my colleague Mr. Offer raised, you raised the whole question of province-wide rules for a province-wide initiative. I agree this makes a great deal of sense, but our difficulty is in knowing which rules can be standardized province-wide and what is not subject to that kind of breakdown.

Was it you or Bob who mentioned the problem of varying collective agreements and that, therefore, the legislation has to fit the diversity of collective agreements? There is a case where one might have a problem with a given rule running afoul if it is too rigid and province-wide. That is what Mr. Offer was getting at.

Perhaps you could help us with the question of which critical items can be managed province-wide on province-wide rules. For example, the provincial list is something we have raised in that connection, the notion that the designated-list protections and so on are to apply only in coterminous board situations. We have raised the question of whether one could not provincially provide all those protections to hiring from any designated list province-wide without the loss of protection by refusal to go, say, from Toronto to Thunder Bay to accept a position.

I presume this is the kind of thing you mean, that in cases like that we should develop a

province-wide regulation and make it a more ironclad structure in that respect. But from your point of view, as people concerned about the bargaining questions and the diversities there, you could help us by giving us as much information as you think we need on those diversities that we have to be very careful about. This is a very tricky business and you are the people who know that business best.

**Mr. Mason:** It is something we would be delighted to do. It would take some time for us to put all of that together, but we would be more than pleased as far as our own organization is concerned.

That was the reason I made the comment. As I listened to the comments from North York and Scarborough and the differences, it is very difficult to follow the intricacies of each of the collective agreements, but there are specific things in each collective agreement that are unique to that area. That is our presentation, really.

We think Peel is quite unique, too, because there are 26 schools, for example, but it is not an urban area. It is partially urban with a lot of rural and a lot of big spaces in the middle. You just cannot tamper with that. It takes a lot of planning and careful design in staffing, for example.

One of the concerns I had when we talked to the commission last fall on this whole issue was that the Peel Board of Education, in co-operation with us, planned together last February for staffing for next week. Every board in the province does, but that is just one of the features. I told the commission I felt that was not being considered. I do not think it has been considered yet. I do not know what is going to happen next week. Do you?

**Mr. Allen:** Not exactly, no. I know where I am going to be next week.

**The Vice-Chairman:** I am not sure any of us knows where we are going to be on this committee next week.

**Mr. Mason:** One of the problems we have had, and one most of our groups have had, is consultation with our members who have been elsewhere for the last couple of months. We will no doubt be consulting with them. They are going to be telling us some things. We would like to reserve the possibility of a request to come back if we have additional material that would be helpful. I place that with you for consideration.

There is one other thing I would like to mention. You saw the copy of our submission. There is a picture on the front and when asked what it was or what they are—

**Mr. Reville:** What is the picture on the front?

**Mr. Mason:** I have photographs you might like to look at. In the foreground is the new Peel Board of Education public building and in the background is the separate school board's building. Unfortunately, in that photograph it is cut off, but I have some excellent photos that are coming around. Both are now under construction. They are just a stone's throw apart, so to speak, on Matheson Boulevard.

**Mr. Reville:** Do you have a moat?

**Mr. Mason:** They are on Highway 10. I invite you to Peel to have a look at these.

**Mr. Hughes:** It is what you call an additional cost of duplication, which I do not think the former Premier took into account.

**Mr. Allen:** One would not want to pass judgement on the relative merits—

**Mr. Mason:** You can say whatever you like.

**Mr. Garthson:** One of the things the committee may or may not be aware of is that the week following the announcement by former Premier Davis on the extension of funding, the separate school board of Dufferin-Peel decided to increase the size of the building. I think it was approximately \$1 million worth—

**Mr. Mason:** They added a floor.

**Mr. Hughes:** They added an additional floor to the building based on that announcement alone.

**The Vice-Chairman:** There are other examples of where the two co-operate and go together in the same facility.

I want to thank you for coming before us. We cannot make any commitment about being able to come back to the committee, but we would appreciate any further comments you have if you provide them to the committee through the clerk and the chairman in writing so we can take them into consideration.

**Mr. Mason:** Thank you. If anyone would like a bowler hat, we will make them available to everyone on the committee.

**The Vice-Chairman:** If they were not blue, I would take one.

The committee adjourned at 5:39 p.m.

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Tuesday, August 27, 1985

Evening Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)

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Smith, D. W. (Lambton L)

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Tuesday, August 27, 1985**

The committee resumed at 7:35 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** Our first group up is the Ontario English Catholic Teachers' Association, Dufferin-Peel Unit.

#### ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION, DUFFERIN-PEEL UNIT

**Ms. Yakimishyn:** I am Barbara Yakimishyn, president of the Dufferin-Peel Unit of OECTA. To my right is Eileen Lennon, past president of our association and currently third vice-president of our provincial executive, and to my left is Mr. Lorne Howcroft, principal of Notre Dame Senior School in Brampton and immediate past president of our principals and vice-principals association.

The Dufferin-Peel Unit of OECTA welcomes the opportunity to address the standing committee on social development regarding the Education Amendment Act, 1985, granting the Roman Catholic separate school boards the right to elect to perform the duties of a secondary school board for the area of jurisdiction of the board.

We would like to take this opportunity to congratulate and thank all three political parties for their support of Bill 30. This bill demonstrates a sense of fairness and justice to the Catholic schoolchildren of Ontario. At long last, students in the Roman Catholic separate school system will have the opportunity to participate in a complete continuum of study from junior kindergarten to the end of the secondary school years. This can be seen as only a benefit to the development and growth of our young people.

We represent some 2,400 teachers who are employed in 76 elementary and secondary schools in the Dufferin-Peel Roman Catholic Separate School Board. We teach 43,480 elementary and secondary school students in schools in Peel and Dufferin counties. We are primarily an urban community with the majority of our teachers working in one of the fastest-growing regions in southern Ontario.

Since the establishment of the Dufferin-Peel Roman Catholic board in 1969, we have experienced rapid and continuous growth. In 1969 we represented 250 teachers teaching 9,748 students in 28 schools. As stated earlier, we now represent some 2,400 teachers teaching more than 43,000 students in 67 elementary and nine secondary schools. This growth is projected to continue into the future.

In our presentation to the committee this evening, we will address the principles of seniority, red-circling of teachers' salaries, pupil access and exemption from religious studies.

Subsection 136l(10) deals with salary rights of designated teachers. This provision protects the designated teacher's salary for one year only, according to our understanding of the bill. We suggest this provision falls short of the protection normally afforded by a red-circling clause. We feel this should be clarified so that it is in line with the usual red-circling clauses.

In subsection 136l(11), designated teachers employed by Roman Catholic separate school boards are guaranteed the same contractual status and seniority they would have enjoyed had they continued to be employed by the public school board.

We agree with this and endorse the protection of the teachers' job security that is guaranteed here. We would suggest that for the purpose of clarification, the word "seniority" should be explicitly defined in this section of the legislation.

Subsection 136m deals with the arbitration process in staff dispute resolution. We would suggest that clarification is necessary in this section. First, who are the parties to the arbitration and who might be an interested person? This should be stated clearly in the legislation.

Second, what are the criteria of decision for the arbitrator or board? We feel the legislation as currently written does not deal with this. The arbitrator or board should have similar powers to those outlined in the School Boards and Teachers Collective Negotiations Act and in the Labour Relations Act.

**7:40 p.m.**

Section 136o deals with the right of pupils to attend Roman Catholic separate secondary

schools. It states access is dependent upon accommodation being available. We would suggest the word "accommodation" be clarified to mean suitable accommodation.

As stated in our introduction, our board has experienced rapid and continuous growth over the past 15 years and this is projected into the future. Accommodation space has not kept pace with it. At present, approximately one third of our students are housed in portable classrooms. We do not see that simply adding more portables would constitute suitable accommodation for secondary school students who require classrooms that incorporate more sophisticated technical and scientific equipment.

Our primary concern with respect to accommodation is the maintenance of quality programs for our students, adequate working conditions for our teachers, and the growth of a sense of Christian community in our schools.

Mr. Howcroft will speak further to this question in his section of our presentation.

**Mr. Howcroft:** Our basic position, as you can understand from what Ms. Yakimishyn has said, is that we offer our basic endorsement of Bill 30 as a reasonable, fair, workable response to the needs of 80,000 young people in Ontario.

It respects our history. It rectifies a long-standing unfairness. It tends to parallel the structure that already exists in most of the other provinces and it does all this at the same time as doing no damage to the existing public secondary system, in our view.

We find it is reasonable because it meets the needs of those 80,000 young people. It is fair because there is a commitment to maintain the quality of public education. There is a recognition of the need to protect the jobs of teachers who have been made redundant, and it respects the constitutional guarantees contained in the British North America Act of 1867.

It is workable. It appears to be a comprehensive but manageable solution to the problems and it places the focus at the local level. Therefore, we are supportive of Bill 30.

We would like to zero in at this point, however, on the fifth principle of the Minister of Education (Mr. Conway), which is that "the distinctive mission of the Roman Catholic separate school system must be maintained." In our view, the separate school system has made a major contribution to the educational, cultural, physical and emotional needs of the young people in Ontario. It has made a major contribution to the fabric of this society.

We take great pride in that and it seems to us the unique gift our school system has brought to the province is the fact it is centred in a value system. It recognizes that education is more than simply instruction, and attempts to integrate gospel values, religious values, into the total curriculum.

The philosophy of education espoused in these schools is that education should not only acknowledge the religious dimensions, but also allow it to give focus to the total curriculum. In this view, religious education is not restricted to religious instruction only, an add-on to a secular, "value-free" curriculum, but is an ongoing process which informs and gives life to the entire school program. Gospel values are consciously integrated into the instruction and activities of the school.

The school is seen as a community, a faith community committed to the person and values of Jesus. Its goal is to provide the finest education possible which will meet the needs of its students, challenge them to achieve their potential, and fulfil this mandate while transmitting a vision inspired by gospel values.

What we are saying is we think this is a unique dimension of our schools. We think it must be protected and that in no way must the implications of Bill 30 diminish or weaken that particular value in our system.

To deal specifically with several provisions of Bill 30 that have implications for this principle, the first is contained in subsection 136(3): "The Roman Catholic school board shall fill positions,

"(a) on its teaching staff, by offering employment to designated persons employed by the public board whose qualifications recorded by the ministry meet the qualifications required for the positions; and

"(b) on its supervisory officers staff and other staffs, by offering employment to designated persons employed by the public board in substantially similar positions."

We offer full support for the fourth principle of no unemployment as a result of completion of extension of funding. However, we would like to point out that we urge strongly the endorsement of the concept of voluntary transfer of teachers and other workers in the public secondary system who are made redundant as a result of completion. We feel there are advantages to be gained through voluntary transfer rather than forced transfer.

There would obviously be no, or very few, forced or compulsory transfers. That would be to the advantage of both parties concerned. The

transfers would then be the result of choice. The educational and religious convictions of the people who were transferring would be compatible with the Catholic separate school board and, as a result, that approach would help to maintain the distinctive character of the Catholic system, which constitutes the fifth principle of the Minister of Education. Therefore, if any revision is necessary in the bill to accommodate that, we would recommend it be done.

Subsection 136l(20) reads, "Subsection 19 applies in respect of employment to fill a position and in respect of employment and advancement in employment while in a position."

Subsection 19 reads, "The Roman Catholic school board shall not discriminate on the basis of creed with respect to employment against any person designated by the public board."

As an association, we are committed to the principle of job security for teachers in the public secondary system. There is full agreement. We would not be a party to any kind of discrimination. However, we have some difficulty with the clause "advancement in employment," for several reasons. Many of our boards, if not all of them, have among their criteria for positions of leadership that the candidate demonstrate some evidence of Christian leadership and an understanding of the Catholic philosophy of education, and that some evidence of Christian leadership should already have been demonstrated.

Thus, that particular clause might create a double standard in Catholic school boards. Some candidates already working for the board, Catholic teachers, would be required to demonstrate that religious, Christian leadership, whereas those transferred from the public board would not necessarily have that requirement.

That would create a double standard. It could possibly eventually result in the anomaly of a Catholic school with leadership offered by someone whose values simply were not compatible with those espoused by the Catholic board. It would be a rather unfortunate situation to have a school committed to certain values, but the person leading that school would not share those values. That would be an untenable situation.

We do not have a neat solution to this problem. We would have a conflict of principles and perhaps a conflict of rights and, in this instance, the right of the school system to maintain the integrity of its philosophy of education should take precedence over the right of the individual teacher to advancement in that system. I realize we are dealing with something that is sensitive,

delicate and difficult, but we have to be honest and state our position.

7:50 p.m.

Subsection 136o(1) reads, "A person who is qualified to be a pupil in a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if,

"(a) the public secondary school is in the area of jurisdiction of the Roman Catholic school board; and

"(b) the director of education or, if there is no director of education, the appropriate supervisory officer of the Roman Catholic school board certifies that there is accommodation available for the person in the secondary school operated by the Roman Catholic school board."

We endorse this section because we believe it provides access to those who would choose to take advantage of education in a Catholic high school but at the same time it does not offer unlimited access. The condition imposed here is one of suitable accommodation. We think that is absolutely vital.

I am sure this committee has been deluged with statistics, facts and figures. I would like to inject a couple more minor ones that are particular to the Dufferin-Peel separate school board.

We have nine Catholic high schools. At the moment, we have 9,053 students. One of those schools is a grade 9 school. I would like to eliminate that. The other is a medium-sized girls' school of about 600. If we took off 1,000 enrolment and eliminated those two schools, we would then have seven high schools with a total enrolment of 8,000 students.

The core buildings in those schools were built to accommodate on average about 600 students. That should demonstrate the seriousness of the accommodation shortage. Therefore, we are suggesting the condition of suitable accommodation is an absolute essential if we are to preserve the viability of the schools we already have.

Subsection 136o(6) reads, "Upon written application, together with written reasons supporting the application, a Roman Catholic school board shall exempt a pupil who is not a Roman Catholic from programs and courses of study in religious education if,

"(a) the pupil is enrolled in a program that is not otherwise available to the pupil in the secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board; or

"(b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multihandicap for the pupil to attend a secondary school operated by a public board."

We endorse this principle. It seems to us it is fair, reasonable, compassionate and understanding and we have no difficulty with it whatsoever. We support that. We think it quite acceptable.

Subsections 136o(7) to 136o(14)—I will spare you the burden of reading them—deal with a somewhat different situation. What those subsections do is confirm the already existing right of the Catholic school board to exempt any student, Catholic or non-Catholic, from religious education courses in the schools. That is really not anything new.

However, these sections subject the decision of the school board to the judgement of an appeal board. We have a concern with that. If the philosophical presuppositions of the appeal board are at variance with the philosophy of education of the separate school system, it is possible the appeal board could automatically adopt the position that says any application should be immediately granted and in a way might start to subtly undermine the effectiveness of the religious education program in the schools.

We are concerned about that because we feel the religious education programs are not, as I mentioned, simply add-ons or instructional programs. There is an interweaving, an integration of the total values into the total curriculum. We are concerned that a student whose parents and he, himself, or herself, have freely chosen to come to a Catholic school should have the possibility of being exempted from the religious education programs.

Regarding those programs, I would like to read a little section of our brief here.

The philosophical and educational assumption of Catholic education is that all education is religious in a general sense and that Catholic education is incomplete without the integration of religious values into the total curriculum through specific courses in Christian religious education, integration of religious values into the various programs and participation in the religious life of the school.

The religious education courses are not narrow, manipulative, or indoctrinating and they do not have the intent to proselytize. They attempt to distil the finest values from a Catholic Christian perspective and have an ecumenical perspective. Thus, the judgement of separate school boards is that such courses are valuable for all students, whatever their background. A parent who sends

his/her son or daughter to a Catholic high school is already aware of the gospel-based education offered there and by his/her choice accepts that religious direction.

Therefore, we have some difficulty in providing exemption by means of an appeal to a tribunal when the parent has truly made the choice to send his/her son or daughter to a Catholic high school.

I have been in Catholic high schools for 31 years, and over the course of that time I have had a number of students who have not been Catholic. I have never had a request from a parent or student for exemption, nor a complaint that a student was suffering in some way as a result of taking those courses. We feel the religious dimension is the very heart and strength of our schools and we would not want to see that undermined.

What I have been attempting to say is that we have attempted to focus on some religious issues for which Bill 30 has implications. We have some concerns about them. We know you will deal with them reasonably and fairly. The point of view I have advanced may not be shared by the people on this committee—I am quite prepared to acknowledge that—but we feel what we have is a precious heritage which is worth offering to our young people and we would not want to see the value system that is integrated into our educational program diluted, diminished or surrendered in any way.

**Ms. Yakimishyn:** We thank the committee for the opportunity of making this presentation today. It is the belief of our unit of the Ontario English Catholic Teachers' Association that the positive and co-operative spirit that has existed among the school boards in our area will continue. We stand committed to help, in any way, the smooth and orderly implementation of Bill 30 in the Dufferin and Peel region.

**The Vice-Chairman:** Thank you very much for your presentation.

**Mr. Davis:** I apologize for being a bit late, but I read your brief before I went to supper. I have one or two questions. In your first page you question the red-circling clause. Could you expand upon what you mean by your concern that it falls short of what is normally afforded by such clauses?

**Ms. Yakimishyn:** Our understanding of the red-circling clause is that, if a teacher came to a Roman Catholic separate secondary school with a salary that is higher than a teacher already in our schools, he or she would maintain that until such time as our particular collective agreement reached or surpassed his or her salary, even if it

takes more than a year. That is our understanding of the normal red-circling clauses.

From our understanding of Bill 30, that teacher is protected only for the first year of employment in the secondary school with the separate board.

**Mr. Davis:** And then what would happen? Would it drop?

**Ms. Yakimishyn:** Our understanding of the legislation as it is written is that it addresses only the first year of employment with the board.

**Mr. Davis:** I could be wrong, but our understanding is it would hold until, say, we kick in the grid figure. The concern that has been expressed is that while kicking into your grid figure they could be losing on theirs.

On page 2 there is a good statement, that your "primary concern with respect to accommodation is the maintenance of quality programs for our students, adequate working conditions for our teachers and the growth of a sense of Christian community in our schools." You suggested the word "accommodation" should be clarified to mean suitable accommodation.

Taking all those factors into consideration, if you had a student at the door who asked for the right to attend and you believed that student would—not jeopardize—but really should not be there, if he or she was a separate school student, would you take him or her?

**Ms. Yakimishyn:** We would be obligated to take that student if his or her parents were separate school supporters.

8 p.m.

**Mr. Davis:** If he or she was not, you would prefer not to take him on those criteria?

**Ms. Yakimishyn:** Unless there was suitable accommodation.

**Mr. Davis:** I understand that you are supposed to take the student. The problem I am trying to get around is, because you are required to take him, you take him even though under the kind of criteria you would like to extend, you really would like not to take that student, non-Catholic or Catholic, based on your criteria?

**Ms. Yakimishyn:** No. We would like to take the student. However it is our feeling that with the absence of suitable accommodation we would not be providing the quality of program we would like to provide.

**Mr. Davis:** That kind of qualification would apply even if that student was non-Catholic?

**Ms. Yakimishyn:** Correct.

**Mr. Davis:** Fine. On page 4 of your brief you talk about the advancement to different positions of responsibility. You state that a person should identify demonstrative Christian leadership as one of the criteria. You say the vision of the leader is effectively the vision that is pursued by the staff. What happens in your present situation if the staff is dealing with a weak or ineffective leader? How do they gain vision then? Who gives them the vision?

**Mr. Howcroft:** I think I would respond to that by saying that in the process of selecting leadership in a school—in fact, in any institution—there are certain criteria you look for. You make calculated judgements on the effectiveness of the person. Whether in a Catholic high school or in industry or business, some of your choices do not always work out to be what you would like them to be. At that point I think you are going to have either to make a hard decision of demotion or to do a lot of professional development with the person.

**Mr. Davis:** What do you do now in your system? I prefer to use the word "weak" leader, rather than "ineffectual." How does your school grant its vision now?

**Mr. Howcroft:** Are you saying school or school board?

**Mr. Davis:** The indication you have here is that the principal of the separate school helps to establish that vision and to motivate the staff. Think about a principal who may not be that effective in that role. How do you now get that vision?

**Mr. Howcroft:** I think it is a question of ongoing professional development. We have religious education courses for teachers. We have religious seminars, conferences for our principals and vice-principals. We try, I think, to develop that kind of vision and that kind of leadership through those processes.

I would not want to suggest for a moment that we are always highly successful. That would be dishonest.

**Mr. Davis:** But what I am after is that, even though you are upgrading the ability of the individual, there is a period of time where you still have to provide what you refer to here as your vision of leadership. Who does that? Is it somebody on the staff who rises to that? Is it the superintendent who comes in? Who gives that kind of guidance?

**Mr. Howcroft:** Is it a physics principle that nature abhors a vacuum? I believe there are always people on staff who provide a certain

degree of informal leadership, or perhaps even formal leadership, and can move in and help to a certain degree

However, all the literature of recent years, perhaps the last 15 years, has indicated this. I realize that positions of responsibility are not to be equated solely with principals, but I would like to restrict this specifically to the school itself, because I think that is where the focus should be. All the research indicates that the vision of the principal is effectively the vision of the school, and a school is as effective as its principal is.

**Mr. Davis:** Unless there is a vacuum and someone rises to the occasion or the principal is a person who believes in shared leadership and responsibility and assigns that responsibility.

**Mr. Howcroft:** But that is leadership. That is just a style of leadership and a very effective style of leadership.

**Mr. Davis:** That is right, and I am going someplace with this. It does not seem that way, but that is where I am going.

**Mr. Howcroft:** Not down the garden path, I hope.

**Mr. Davis:** It might be. If you have a non-Catholic in the position of a principal of a school, is it not possible that he could still set the moral tone and the catholicity of the school by assigning that to a chairman who is Catholic and supporting that individual in the kinds of intents and programs he institutes?

**Mr. Howcroft:** I do not know whether you noticed that through my presentation I did not use the term "non-Catholic."

**Mr. Davis:** I did.

**Mr. Howcroft:** I would be more concerned about the values of the particular individual.

To answer specifically your question, could it be done, I would say anything can be done. That could be done with great difficulty, but it would not be done with full effectiveness. There is no question in my mind about that, because there are so many areas, so many opportunities and so many situations that come up in a day-by-day situation that you cannot simply call on another person to step in and provide the catholicity or the Christian dimension.

I think it has to be an outflowing of the individual himself, of his or her commitments and convictions. If you are asking whether it could be done, I would say yes, it is a possibility, but it would be done much, much less effectively. I would have some major reservations on it.

I might point out that in the school I am in we have a couple of people on staff right now whom we hired this year who are not Catholic. We have no difficulty with that, but I think they are very deeply committed Christian people who make a major contribution to our staff.

**Mr. Davis:** I am not trying to play semantics with you, but if a person was a non-Catholic who was committed to his faith structure and the only element he did not have was the Catholic norms, although he would probably understand them because of that kind of lifestyle and being that kind of person, you would say this person had a better chance of developing that kind of leadership in the ethos of the school, using the staff he has for resources, than a person who might not have a deep faith.

**Mr. Howcroft:** No question. I would say so.

**Mr. Offer:** I would like to congratulate you on your brief. I represent part of the area for which you are responsible. I have, of course, gone over the brief and I would like to pick up on what Mr. Davis was stating, and that is with respect to the term "accommodation." I do not know whether I am clear in my mind yet about the use of the terms "suitable accommodation" and "accommodation."

I would like to present this example. Is it not true that you will always have accommodation for a Roman Catholic student?

**Ms. Yakimishyn:** Yes.

**Mr. Offer:** And the next day you may not have accommodation for a non-Catholic student on the basis of you will always have accommodation for a Roman Catholic student?

**Ms. Yakimishyn:** Yes.

**Mr. Offer:** And the next day you may not have accommodation for a non-Catholic student on the basis of "suitable"?

**Mr. Howcroft:** I think what Barbara said was that we have the obligation to accept a student into the school if that student's parents are separate school taxpayers. We may not have a suitable accommodation, but we must accept him. We may have to overload the classrooms, but we must accept him or her. That is our obligation; we have no choice. We do not regard that as suitable accommodation.

I do not regard Philip Pocock high school in your territory as suitable, adequate accommodation at this point. With a core school that was built to accommodate about 600 students, it will have an enrolment this year of close to 2,000. That is inhuman, and they are suffering great difficulties as a result of it.

In answer to Mr. Davis's question—if a pupil applied the next day who was not a Catholic, would you accept him—I think any principal who has some kind of humane and Christian feelings would be inclined to accept the student, but at some point I suppose you would have to draw the line and say, "If another one comes tomorrow and tomorrow and tomorrow..."

**Mr. Offer:** Do you believe portables are suitable accommodation?

**8:10 p.m.**

**Mr. Howcroft:** They can house students, but in a secondary school setting, unless there are the core facilities to accommodate, unless there is a proportion between the numbers of students housed in portables and the core facilities, then they are not suitable accommodation. If you want to teach a class in history, English or French, then they are quite suitable. But if, at the same time, the science, physical education, business and technology facilities are inadequate and you cannot provide the program you should be providing, then you are talking about inadequate accommodation.

**Mr. Offer:** I would like to go on to discuss the non-Catholic teachers you hired this year. You indicated there were two who were deeply committed. Are they aware there is no chance for advancement as far as you are concerned?

**Mr. Howcroft:** Yes, they are aware of that. That is one of the criteria of our board for positions of responsibility.

**Mr. Offer:** With respect to the advancement of even these deeply committed persons, do you believe that in the event they were advanced, the catholicity of your school would be irreparably damaged?

**Mr. Howcroft:** You are giving me an either/or question, which I would not like to answer directly.

**Mr. Offer:** Try, maybe.

**Mr. Howcroft:** No, I do not think it would be damaged irreparably. They are people with a specific value system that happens to be compatible with our own. They are supportive of what the school represents and they endorse precisely what we are trying to do. Over the course of the next few years there may be some development within our system so we can accommodate such people in some positions of responsibility.

I repeat what was said to Mr. Davis. I would find some difficulty in seeing someone in a position of leadership in a school. There are some areas in administration. For example, a superintendent could function quite well. There are

positions in planning that do not have quite the same need for Christian leadership.

**Mr. Davis:** On that point, you stated that the two non-Catholic people who came over came with the understanding they could not be promoted through your system.

**Mr. Howcroft:** Yes, they were aware of that criterion.

**Mr. Davis:** Was that also at least acknowledged by your coterminous public board?

**Mr. Howcroft:** They did not come over from the public board. They applied for positions with our board and were hired.

**Mr. Davis:** Then they are not protected at all under Bill 30?

**Mr. Howcroft:** No, they are not.

**Mr. Davis:** That is a different kettle of fish. I misunderstood. I thought they came across.

**Mr. Offer:** I have a final question with respect to a non-Catholic teacher under the bill being declared redundant on account of the extension of funding. I would like your view on what you expect of this teacher with respect to hiring him. Do you expect him to lead an exemplary private life?

**Mr. Howcroft:** Our expectation is that this person would be publicly supportive of the value system of the Roman Catholic separate school board. He would not agitate against the declared values of that system and he would not attempt to militate against those values in the classroom with students. I do not think any of us want to interfere with the private life of that individual or any other individual.

If his private life were to have some serious damaging effect on the image of the school and what the school is trying to do, in such a way that it would undermine what we were trying to achieve, that might be a different situation. Certainly, his conscience and his private life are entirely his own. I do not think any board wants to control that.

**Mr. Offer:** In the event that this teacher was at an abortion rally over the weekend and favoured pro-choice and was unwittingly, or whatever, photographed or on television, in any case her stand on the question was publicized, would that affect her standing in your school?

**Mr. Howcroft:** I would like to say the abortion issue is not simply a Catholic issue. In that instance, what we are looking for is for this teacher to use some sense of judgement and prudence that would not have a backlash against

the school or school board for which she works and therefore some impact on the students.

That might be a judgement for the individual teacher to make. If that teacher were following his or her conscience, we might not be happy with it but I hope he or she would use some prudence and not get involved publicly, especially if it would rebound back on the school.

**Mr. Reville:** May I have a supplementary, please? Some of your colleagues in the same area, OSSTF District 10, were here just before the supper break and were posing some hypothetical examples about the designated teacher. Perhaps I could just follow along from Mr. Offer. A designated teacher, let us assume it is a history teacher, wants to teach something that might be at variance with the official Catholic position. The example that was suggested was the impact of the Jesuits on native Canadian culture.

What would be the reaction of your association to a teacher in that dilemma? Would that teacher be subject to any kind of sanction?

**Mr. Howcroft:** I think we would expect the teacher to use professional judgement. If that history teacher has studied the subject adequately and has arrived at some conclusions that he holds to be true, then I do not think we would expect the teacher to, as it were, hold a party line as though there is one specific way of interpreting the Jesuit influence on history. I think that is a prudential judgement that teacher makes.

If it presented a problem, as a principal I might want to talk to the teacher and say: "There is another point of view, there are other authorities which you have not investigated. Would you take a look at those and consider whether they should be presented to the class so they will have another point of view?"

There is a distinction between an overt attack on official Catholic Christian teaching and the judgement of the individual in the realities of daily life or in history or in science or whatever, as to how you apply those specific doctrines.

When you come to the application, I suggest there can be significant variation in interpretation and there may not be one specific party interpretation. I do not think, in my experience in Roman Catholicism, that it is a monolith. In fact, the past 20 years would indicate there is quite a bit of variety in interpretation.

**8:20 p.m.**

**Mr. Allen:** I know there are Catholic scholars who have differed widely on the question of Jesuits in the native Canadian culture, the impact of Christianity and the coming of the white man in North America.

May I come back to the same brief for a moment? In this committee, we have not asked questions relating one brief to another group very often. It is perhaps a useful device because it gets some dialogue going that may not occur in other forums. In the section of the brief called Impact on Society, there is this passage to which I would like you to respond out of your situation.

Regarding human equality, it asks: "Do we believe in a society based on the universal equality of all its citizens, regardless of race, national or ethnic origin, sex, age or mental or physical disability? Since all Canadians should share this belief formalized in the Canadian Charter of Rights and Freedoms"—thinking of Bill 30 and the extension of funding—"how can we counsel, or accept the entry of our teachers and students into a system of education that is operating under sectarian beliefs, some of the most fundamental of which are in conflict with the spirit of the charter?"

I guess the operative part of the sentence is "a system of education that is operating under sectarian beliefs, some of the most fundamental of which are in conflict with the spirit of the charter."

**Ms. Yakimishyn:** That would be an opinion of the author of that phrase.

**Mr. Allen:** That is right. If somebody says that to you about contemporary Catholicism, as manifested in the school system of which you are a part, the argument is that your teaching basically is fundamentally in conflict with the spirit of the Charter of Rights.

**Mr. Howcroft:** If I were to respond to it, I do not like to admit this but I would have to say I am not fully familiar with the Charter of Rights and the very specific statements it makes. I think I find in Catholicism, as I understand it, a tremendous recognition of human rights, an incredible and marvellous honouring of the whole question of equality.

That goes right back to the gospels. It comes through the epistles of St. Paul. It seems to me one of the bulwarks of human rights in Third World countries and in areas of oppression has been the very institution that seems to have been denounced fairly strongly in some of the hearings you have held here.

My reaction would be to say that the author of that sees a system of education I do not see and that I have never seen. I have never felt the things he talks about here. I recognize our system is affected and influenced by the society in which we live; yet the values we uphold are increasingly taking hold.

If I could give one specific area, I suggest that in terms of recognition of the role of women, our system in Dufferin-Peel probably has more women in positions of leadership than any public school system in Ontario. I take great pride that we do that.

**Mr. Allen:** That is a very full response and I appreciate your giving it to us.

They have a concern in the same section that Mr. Reville asked a question about, a concern that non-Catholic teachers moving into the separate system might be required to become qualified in religious education instruction. Are you aware whether that is likely to be the case?

**Mr. Howcroft:** I know our board does not have the expectation that a teacher who is not Catholic will be required to engage in religious education. Our board does have a requirement that every teacher who is hired is expected to pursue an introductory course in religious education, but that is simply for the background of the teacher to ensure he or she is familiar with and understands the philosophy of education. That is all; nothing more.

There is no expectation that a teacher who is not Catholic will be required to do anything in a specific religious way in terms of instruction. I really cannot imagine any board having that expectation. It would be unreasonable and I think it would be rather foolish if they were to have that expectation.

Having said that, I would say there are probably some teachers in our schools who are not Catholic who could do an excellent job. In fact, I know some who have, not because they were obligated but because they volunteered.

**The Vice-Chairman:** I want to thank you for coming before the committee. The theme you have struck is one that has recurred with a number of groups before the committee, in the last couple of weeks especially. We appreciate your answering the questions.

Is Mr. Ryan here? Our next delegation is not here yet, so we will move on to Mr. Wilfred Day. This is brief 36.

#### WILFRED DAY

**Mr. Day:** My name is Wilfred Day. I am a school trustee, but I am appearing here as an individual delegate, not on behalf of our board.

Earlier today, the committee heard the submission of the Northumberland and Newcastle Board of Education, showing some problems with the extension of funding and asking you to reconsider the whole subject. As one school trustee from that board, representing the town of

Port Hope and the township of Hope, I am now going further by making some personal suggestions which, if you decide to proceed with the extension of funding, you may find helpful. I hope I can manage to speak strongly in defence of the public education system without finding it necessary to put down the other system.

This brief deals with seven topics: funding of the public system; the process by which the extension of Catholic funding was decided; the principles of implementation; sharing of facilities; community input in the transfers of schools; job security, and student access to Catholic schools.

First, funding of the public system. Although Bill 30 itself does not deal with this topic, your report should not ignore the biggest problem with extension of funding, namely that it ignores other priorities. Quoting from the ministry's own overview of the new policy: "Since the revenue power of the mill rate differs considerably from board to board, only boards with a richer tax base can spend over ceiling to enhance quality education." Of course, spending over ceiling is entirely paid by local taxpayers.

Because the ceilings are too low, virtually all boards have been forced to spend over ceiling. However, as an assessment-poor board, our area has been unable to spend more than a small amount over ceiling with the results that were stated to you this afternoon. I should just add to those that we are replacing high school capital equipment at only one third the rate it is wearing out. Most people have no idea what it is like to chop \$1.5 million of necessary spending out of the schools that my children go to and still end up with a nine per cent or 10 per cent tax increase. It is just not as much fun as it used to be to be a school trustee.

If provincial grants in 1985 had been the same per cent of education costs as they were in 1975—about 59 per cent—there would have about \$1 billion more. In other words, in the last 10 years there has been a \$1-billion shift of costs to the local property taxpayer. If the government can find another \$150 million a year for education, naturally our board would prefer to enhance our ability to provide quality education.

In other words, Bill 30 quite literally adds insult to injury from a public school perspective. Accordingly, I respectfully recommend that if there is to be any hope of making Bill 30 palatable to the public school system, it is essential that your committee find that there is need to increase funding of the public system to adequate levels and then to start removing the

unfair burden placed on the property taxpayer in the last 10 years. This deserves priority equal to the priority given to extension of the separate school system. Equal funding of both systems will fail to meet the needs of the students if it means only equal underfunding of both systems.

Another major problem has been a complaint of a lack of democracy in the way the former Premier made the decision. Frankly, I have trouble being helpful to you on this point, after being involved in this issue for the last 16 years, because, as I see it, each of the three parties made its decision in the manner each considers traditional. The New Democrats decided at the party convention, the Liberals decided in caucus, and the Conservative leader consulted the proper persons and announced the decision. I cannot honestly suggest to this committee that you should tell the Conservative Party that you do not approve of the way it makes decisions.

**8:30 p.m.**

I can suggest the need to spell out the principles of implementation. There is great public concern for the viability of the public school system. Detailed criteria to define viability of a secondary school program are now being developed by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario. In fact, this will be a key part of the commission's work, yet not even the principles are in Bill 30.

Bill 30 gives the commission immense powers to approve or impose local solutions to all the questions of implementation, including transfers of schools. This is better than a uniform provincial solution to varying local circumstances. However, the commission is given no principles to follow except "the best interests of public education." This leaves the commission itself to establish the principles. For example, is there a principle that, in communities with one secondary school, it is desirable that the existing one be maintained?

As an example from a similar area, experience with the previous Child Welfare Act showed that legislation could not safely delegate to others, or to the courts, the duty of deciding what is meant by "the best interests of the child," so a full definition was included in the current acts. Similarly, Bill 30 should be amended to include a definition of "the best interests of public education." For example, it might read:

"In determining the best interests of public education, the planning and implementation commission shall consider all the needs and

circumstances of all those involved in education in the boards affected, including:

"(a) the need for preservation of a strong, viable public school system, with the quality and capacity to adapt and respond to the needs of the students, in all communities currently served by secondary schools;

"(b) the need to foster understanding between all students, through co-operation and sharing of programs;

"(c) the need for students in both systems to have equality of opportunity;

"(d) the need to operate efficiently, through sharing accommodation if space is available in public secondary schools, and effective use of all existing capital facilities, and by sharing services and programs.

"(e) the need for local solutions to reflect the views and preferences of students, parents, staff and the local community;

"(f) the desirability, in communities with only one public secondary school, of maintaining that school;

"(g) the effects upon students of any disruption in the continuity of their educational program or social environment;

"(f) the educational, social and other needs of the students and the appropriate programs to meet such needs."

Next, let us look more closely at joint facilities. In our pluralistic society, fostering tolerance and understanding between groups must be a goal. Sharing programs will help meet this need, as well as saving money.

For example, in the Cobourg and Bowmanville areas of our board, the two boards plan to co-operate in sharing facilities for technical and business courses and in other ways. In the eastern, rural one third of our board, the separate school board has no plans to change the present system and will apparently purchase education in our two eastern high schools, due to distance and numbers.

However, we need an effective mechanism to ensure, for example, the Catholic system will not be given funding to build a new high school in Cobourg, for only about 225 students, until the public board has had input into a feasibility study on the separate board renting a wing of our modern composite school, where their students will take some courses anyway. Frankly, in our area, such a joint study will likely happen in any event, but perhaps it would not in other areas, and possibly not even in ours. The legislation should require this.

Similarly, with declining enrolment, the Ontario Schools, Intermediate and Senior Divisions guidelines and completion of the separate school system, it will be more difficult to get the numbers for a large variety of optional courses in our area, and even for advanced academic subjects. I expect this would be discussed between coterminous boards and numbers pooled to prevent cancellation of such options; but as the Kenora minority report shows, this kind of expectation is not confidently shared by everyone. Again, that expectation should be guaranteed in the law. Otherwise, our secondary schools could be required to reduce program offerings, strong negative public sentiments will be expressed, and the extension of funding will turn into a festering source of divisiveness.

As stated in the planning and implementation commission's recommendations to the minister, "The ministry has to...initiate or intensify efforts to address this problem of curriculum and delivery of programs to small schools." The commission says delicately that "solutions vary." Further, the commission's criteria require that separate boards keep the public boards informed about evolving plans and attempt to inform and assist in reaching joint solutions related to the plans and their impact. This important principle should be in the bill.

I particularly agree with the third recommendation in the planning and implementation commission's July 18 brief to your committee, for joint management committees. Some people have gone further and urged that unified secondary school boards with special Catholic or francophone panels be established, but such a concept cannot easily be imposed. However, experience in the past year has shown that joint planning can work very well.

Joint committees of both boards, such as some areas have already established to plan the transition, should be permanent parts of the system of educational governance. To encourage, recognize and strengthen such committees, they should be mandated in Bill 30. While neither board should be given a veto on the other's plans, the joint committees could be required to report to both boards on means of sharing. Bill 30 should be amended to add a section that might read:

"Where a public board and a Roman Catholic school board have the same or part of the same area of jurisdiction, they shall each appoint six trustees, or such other number as they may agree upon, to a joint committee which shall report to

both boards at least once in each calendar year on,

"(a) all future school construction, additions or closures under consideration by either board;

"(b) specialized facilities, resources and programs in either board which could be shared by both boards;

"(c) bus routes, purchasing, computer services and other administrative services which could be shared;

"(d) any other means of co-operation which would be in the best interests of public education."

This largely happens already, but there are examples where it does not. In our area right now, the Roman Catholic board is just finishing building an elementary school a few miles from an elementary school that we will probably close in a few years, and nobody got the two co-ordinated before capital funding for that new Catholic school was given.

By working together, we could unify the systems voluntarily to some extent. Successful sharing of secondary facilities would encourage closer co-operation generally. Accordingly, Bill 30 should be amended to permit boards to co-operate in joint management committees as recommended by the planning and implementation commission.

Our next concern is community input into school transfers. Bill 30 says the PIC "shall" consult those with a direct interest but "may" hold public meetings. As I think we all know, the entire local community has a direct interest in school closings or transfers, which the PIC can order where boards disagree. Therefore, to clarify this point, Bill 30 should be amended by adding after subsection 136x(4):

"Where the dispute may result in the transfer of the use or ownership of all of a school from the public board to the Roman Catholic board, the tribunal shall give public notice of the hearing and shall provide any concerned person a reasonable opportunity to be heard."

On job security, many sections could be clarified. I am concerned about two. First, why should the Human Rights Code apply to prevent discrimination only on the basis of creed? This leaves boards free to discriminate against transferred employees on the basis of marital status or the other matters listed in the Human Rights Code. Subsection 136l(10) should be amended to prevent discrimination on the basis of any ground stated in section 4 of the Human Rights Code with respect to employment.

Second, an employee may transfer to a Roman Catholic school board with full seniority and wish to stay on the recall list of the public board in the hope of transferring back in a few years. Why should this not be allowed? Bill 30 should be amended by adding a clause providing that the employee's seniority and employment status be fully portable in both directions so that the employee may continue to acquire seniority within the public board's secondary panel while employed by the Catholic board.

Finally, turning to the question of Catholic high schools being open to all students, I have noticed a concern that the separate secondary school could be seen by the public as an élite academic environment. Therefore, from the standpoint of a public school trustee, I frankly fail to see the sense of requesting that all students have an unconditional legal right of access to the separate school system.

I keep visualizing a scenario in which, for example, parents demand the dismissal of an allegedly homosexual teacher whom we have no grounds to dismiss and they threaten that if we do not fire the teacher this week, they will transfer 200 students to the Catholic high school next week.

These kinds of pressure groups happen and, of course, this would require a number of instant portables and instant teachers at the Catholic high school and would leave the public board with a number of redundant teachers, whom we could not lay off until June although we would lose funding for them in February. I do not know why public school trustees would want to set themselves up for such a scenario.

Therefore, I suggest that clause 136(1)(b), which entitles a pupil to attend a Catholic school only if there is accommodation available, should remain unchanged.

**8:40 p.m.**

**The Vice-Chairman:** Thank you very much. I think your brief is probably one of the most positive and helpful in quite some time, with some very specific recommendations. I am particularly attracted since I sat on the committee that dealt with the Child Welfare Act and did the best-interest test, and I remember we spent hours trying to come to grips with that, but it is a good suggestion.

**Mr. Allen:** Mr. Chairman, your words are mine with respect to the brief. It has a very nice, specific sense to it and it tackles specific problems in a very helpful way by even offering us wording for amendments, which I do not think very many people have done so far. I am sure

Albert is very appreciative of that kind of assistance in his task.

Some of your suggestions are moving in the direction we are moving. The possibilities of secondments of personnel rather than outright transfer and therefore the possibility of moving back would be one example of that and I will not go into the others.

With regard to the clause governing discrimination by creed, you ask us whether we should add to that. We have asked questions about that of those who framed it and they did intend "creed" was to be used in a broad sense, but others have also asked why we would not write in all the other protections that are in the Human Rights Code—for example, race, national ethnic origin, colour, religion, sex, mental or physical disability or lifestyle—a whole series of them.

Since you have some legal knowledge, would your judgement be that it is necessary to do that, given that they are in the Human Rights Code in any case, and that the exemption placed here is to protect one from the exemptions of the code which permit Catholics to hire on a somewhat selective basis as things stand in the existing separate system?

**Mr. Day:** I know it is a maze when you go through the exceptions and so on. As I see it, and I do not have all the wording of the Education Act in front of me, the Catholic school boards are currently free to discriminate against Catholic elementary teachers on whatever basis is necessary for the catholicity of the system, which has included marital status in certain cases in the past.

**Mr. Allen:** May I back up for a moment? I wanted to get at the question of hiring in itself, as distinct from what happens to you after you are hired into the system, if I can put it that way. In other words, is there—okay; no, you are right on. I was right off the track on that one.

**Mr. Day:** I seem to remember a case, and I am not sure if it was in Ontario, British Columbia or where it was—

**Mr. Allen:** Vancouver?

**Mr. Day:** There was a teacher fired for living common law against Catholic principles. The firing was not on the basis of creed—a good Catholic just happened to be living common law. His divorce had not come through, I guess. It was upheld as being constitutionally protected because the Catholic school system has a constitutional right to do whatever is necessary, regardless of human rights codes. That is the kind of thing that bothers me because it should not apply

to employees who were transferred against their wishes.

**Mr. Allen:** That is correct. Your citing the capacity to act with respect to Catholic employees in the system as it currently exists is quite correct.

What I was trying to get at is whether the protections as extended under Bill 30, which are designed for non-Catholics or for any designated person—technically it could include a Catholic who is designated—are necessary in your view to add all the other protections that as non-Catholics they would have under the Human Rights Code.

**Mr. Day:** I am not at all sure they would. I tried to find how they would have protection from being disciplined on the basis of marital status and I could not find it. I would say to use the wording I have given you, because that way we know they are covered.

It may be there is some way the sections interrelate that I could not find. I was doing this on my own time. If you paid me, I might do a better job.

**Mr. Allen:** You did all right. I am just looking for a little clarification and seeing which way you would advise us to go further in that respect. I notice you were reading from a slightly different copy than we have.

**Mr. Day:** Do you have my old one?

**The Vice-Chairman:** Yes.

**Mr. Allen:** It may be. You had a number of additional clauses in some cases and slightly different wording in some others. Could you provide us with your copy?

**Mr. Day:** The new one came by courier today, 25 copies.

**Mr. Reville:** Some of us are working from one dated July 18.

**Mr. Day:** It is quite similar, but it has been changed somewhat. You should have one dated August 27.

**Mr. Allen:** I have it now.

**The Vice-Chairman:** We will have the new one very shortly.

**Mr. Allen:** I see. It was not just that I was missed.

**The Vice-Chairman:** No.

**Mr. Allen:** Thank you very much. That is all for now.

**Mr. Davis:** I would like to compliment you on your brief, even though we are reading from the wrong one. You have given us some provocative ideas to think about in trying to make the bill

much more effective. I appreciate your indicating that some kind of overriding structure is needed.

In 1978, I believe it was, I was on the Scarborough board and I proposed and was the chairman of a small joint committee that met with some trustees from each jurisdiction along with our administrators to look at the building of a joint building in the north part of Scarborough. It never got off the ground, but it would have been much more effective if we had had some criteria that forced us to address some of the issues we failed in.

I will take this into deep consideration and I thank you for being so lucid in your recommendations to us. It is one of the best briefs I have seen, giving at least some help as we look at the complicated problems we are facing.

**The Vice-Chairman:** Are there any other questions from the committee? If not, thank you very much. It was very helpful.

**Mr. Day:** Thank you. I am glad to be here.

**The Vice-Chairman:** Mr. Ryan still has not arrived, so we will move on to the last brief, exhibit 523.

#### COMMITTEE OF PROGRESSIVE ELECTORS

**Mr. Devine:** My name is William Devine and I am the chairman of the steering committee of the Committee of Progressive Electors. This submission is on behalf of that committee. My colleague Robert Atkinson is with me. He is the treasurer of our organization.

We are opposed to Bill 30 for the reasons given below and urge that it be withdrawn. As this is written, there has been no court decision on legal questions raised by the bill. We suggest that, whether or not it will be decided that public funding of the denominational secondary schools may be allowed, the Constitution does not demand it. Therefore, we can give our attention to a basic concept, the principle of separation of church and state.

This principle is rooted in the idea that no one religion, through state power, should impose its ascendancy on those of other religions or of no religion. In the field of education, this principle finds practical expression in a public school system which is free, universally accessible and publicly financed. Since public funds are involved which come from all taxpayers, of various religions or of none, no such public funds should be used in the school system for the promotion of any one religious denomination.

Religion should be separated from publicly financed education.

Public funds should, therefore, be used to support only a nondenominational school system which is neutral in terms of religion. This guarantees that no one religion will find favour. It also guarantees that no religion will be discriminated against. This is surely important for all, no matter what their religion.

**8:50 p.m.**

The public school system did not come about easily. The struggle for it involved the basic principle of separation of church and education as a pivotal point. Its success was grounded in the concept advanced by Egerton Ryerson: "Every child in the land has a right to such an education as will make him a useful member of society" with "one comprehensive and unique system of education, from the ABC of the child up to the matriculation of the youth into the provincial university...."

Strengthening the public school system along these lines is a positive perspective. Bill 30's proposal to extend separate school financing goes in the opposite direction. Because it does this and because it violates the basic principle of separation of church and education, Bill 30 has opened a veritable Pandora's box of problems. To mention only one, the massive transfer of funds away from the public system into what is essentially a private school system will cause further deterioration to public education, which is already struggling with the consequences of the decline in provincial support in recent years.

Bill 30 opens the way for other denominations and private schools to demand public funding at the expense of the public school system. Such demands are already being pushed. Part of the Davis announcement on separate school financing was to establish a committee to examine the role and status of private schools in the province. Thus, the outlook is for the undercutting of the public school system and for the further fragmentation of education in Ontario, all of which would provide the basis for the most ominous of outlooks, the privatization of education.

Such an outlook can only envision a private school élite, destined for higher education, with students from working-class families relegated to an underfinanced public school system, more than ever designed to stream them to lesser heights. Indeed, the drive towards such privatization, evident in Ontario, can also be seen in other provinces. It is altogether a negative trend. There should be no public financing of private schools.

What is needed is one free, uniform, non-denominational, publicly and adequately financed public school system, universally accessible, with no discrimination or restrictions of any kind and in no way related to religion. This is in harmony with the democratic ideal in education.

Instead of a school system that divides the students, what is needed is a system which unites them, a system in which all students of all religious backgrounds or of no religious background can study together in harmony. If there are shortcomings in the present public school system, the answer is not to dismantle it, but to improve it. As a first step towards a unified school system, Bill 30, to further extend public financing to the separate school system, should be withdrawn.

**The Vice-Chairman:** Thank you very much. Are there questions from committee members? Your brief was very straightforward and very clear. Do you have another comment?

**Mr. Devine:** No.

**Mr. Allen:** I have both a historical question and a practical question. The assumption behind the argument is that it would be advisable for Ontario to remove entirely the whole opportunity of separate school education. Do you conceive of that as even a remote political possibility?

**Mr. Devine:** As we tried to explain in the brief, our approach to this question is one that we consider is based on a question of principle.

**Mr. Allen:** I understand.

**Mr. Devine:** Therefore, we had to advance the principle. I would be the last one to suggest that the implementation of such a principle would be easy or straightforward. We would like to say that while we set the objective of one unified public school system, as outlined in the brief, as the ultimate goal we would be working towards, we are mindful of the fact that this would not happen overnight.

We are also mindful of the need to proceed with the greatest amount of care, inviting the fullest participation of the entire community in the discussion on how that should be done. We need to move with the maximum amount of sensitivity on this question because it does involve the emotional side of things. However, what we are essentially saying is that should be the goal. No matter how slowly it may be necessary to proceed or how quickly it may be possible to proceed, whatever we do represents a step towards that goal.

We are suggesting in the brief that the current proposal to further extend public financing to the

separate school system is a step away from that goal rather than a step towards it. It is from that point of view that we advocate its withdrawal.

**Mr. Allen:** I did not ask you the question to be mischievous in any sense.

**Mr. Devine:** No.

**Mr. Allen:** I appreciate the tone of your brief, which is very rational and straightforward. When our party confronted the question of the political possibility of moving that all back and the problem of dealing with the fact that there are almost 500,000 children in that system, and providing for their decent education at the same time as you contemplated this other type of scenario, it placed on us almost totally contradictory policy propositions that just did not seem rational.

Given the fact that that system provides for working-class kids in so many inner-core schools in the cities, in outlying regions, in disadvantaged areas and in small communities, we had to take a different route to what you are proposing.

Let me come to another question. I do not think it is simply splitting hairs. You describe what happened in Ontario's history as a struggle for the separation of church and education. On one page you use the words, "separation of church and education" and on the previous page you refer more to "religion and state."

Is it not true that as history took shape in the 19th century there was not an attempt to separate religion from education, although there was an attempt to separate church from state? Therefore, the state retained some investment, if you like, in the role of religion as a positive social force so that it should be part of the education system, and that ended up taking two forms.

**Mr. Devine:** I suppose one could discuss it from the point of view that there is a distinction to be made between the two phrases, "separation of church and state" and "separation of church and education."

**Mr. Allen:** One is the institutional entanglement and the other is the more broadly—

**Mr. Devine:** Yes. What we were thinking of was, for example, the debate between Bishop Strachan and Egerton Ryerson at the time as to whether there could be an Anglican state church and what effect that would have on the educational system and the whole question of the clergy reserves which were involved.

We did some research on the matter, which we did not include. These are some resource notes we have. We refer to the act of 1854 which stated—this one stated it is desirable to remove all

semblance of connection between church and state. I think what we are suggesting is that, while there can be a distinction made with respect to the two phrases, they are also connected. There has been a struggle vis-à-vis the question of church and state and that whole question inevitably affects the issue of the separation of church and education. Since state funds are involved in education, it is difficult to separate the one from the other.

**Mr. Allen:** The interesting thing about Ontario's history surely is that there was at one and the same time an attempt to separate church and state that was not viewed as the same thing as separating religion and education.

I want to come back to it from this point of view. Have you followed our hearings to the point where you are aware of the numbers of groups coming forward from the public school side that are asking about the whole question of the presence of religion and the lack of the presence of religion as a matter of study in our present public school system?

Do you now yourself, in your view of public education, see it as important from the point of view of the separation of church and state to move all study of religion out of the public school system, contrary to these other demands or requests we have been hearing?

**Mr. Devine:** No, we see no problem with the study of religions, their historical context and what they represent from a straightforward, I will use the word "objective," point of view, being a part of the school curriculum. It is a question of a given religion permeating and being the basis upon which the whole curriculum is taught. That is the basis on which we pose our objections to it. Certainly, the study of religion from its historical point of view and comparative religions and all the rest of it is a valid area of study.

**The Vice-Chairman:** Thank you very much for coming before the committee.

I gather that Mr. Ryan is still not here; so the committee will adjourn. As you know, we have a very interesting day tomorrow, starting at 10 o'clock in the morning with Saskatchewan.

I might point out, just in case anyone is still watching cable, that this afternoon when the two students came before the committee and indicated that public schools had pools, I indicated I thought they were probably owned by the parks and recreation department. We have had a couple of calls on that. I probably erred and I will never make another comment about pools in the public school sector.

The committee adjourned at 9:02 p.m.

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**SPEAKERS IN THIS ISSUE**

Allen, R. (Hamilton West NDP)

Cooke, D. S. (Windsor-Riverside NDP)

Davis, W. C. (Scarborough Centre PC)

Offer, S. (Mississauga North L)

Reville, D. (Riverdale NDP)

**From the Ontario English Catholic Teachers' Association, Dufferin-Peel Unit:**

Howcroft, L., Past President, Principals' and Vice-Principals' Association

Lennon, E., Third Vice-President, Provincial Executive, Past President

Yakimishyn, B., President

Day, W. A., Private Citizen

Devine, W., Member, Steering Committee, Committee of Progressive Electors







No. S-29

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Wednesday, August 28, 1985

Morning Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, August 28, 1985

The committee met at 10:08 a.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** If we can get started, we have one presentation this morning that I am sure will prove to be very helpful. It is from the Saskatchewan Department of Education, Mr. Peter Dyck.

On behalf of all the committee members, we really do appreciate your attendance at the committee this morning. We are hoping you will have miraculous answers to all our inquiries.

### SASKATCHEWAN DEPARTMENT OF EDUCATION

**Mr. Dyck:** Mr. Chairman and members of the standing committee, I am honoured to be here this morning. I should indicate that my presence here is the result of a little decision that somebody made with my deputy. I came home from holidays and was told, "You will go to Toronto for August 28."

I am here today, as I understand it, to provide your committee with some information regarding Saskatchewan's experience in the implementation of full funding for separate schools at the high school level. I should indicate that this implementation took place in 1964 and occurred as a result of an amendment to the Secondary Education Act.

To provide your committee with a perspective on this step, I would like to outline briefly the development of Saskatchewan's school legislation with respect to separate schools and the school organizational patterns that have existed in Saskatchewan since and before 1964.

Saskatchewan has a system of public and separate schools which predated the formation of the province in 1905. The provisions for the establishment of separate schools ensured that the minority faith in a district, whether Protestant or Roman Catholic, could petition the minister for the erection of a separate school district.

The School Ordinance 1883 for the Northwest Territories included procedures for the establishment of separate schools in the area then governed as part of the Northwest Territories. It

should be noted that these provisions were made in accordance with section 10 of the Northwest Territories Act, 1880. The pertinent sections of the 1883 and 1896 ordinances are attached as appendix A. They provided that any number of resident property holders within the limits of a public school district could petition the Lieutenant Governor for the erection of a separate school, either Protestant or Roman Catholic. I should indicate at this point that there were a number of both established at that time.

In successive years, this provision was continued so that when the Saskatchewan Act of 1905 was enacted, it provided a guarantee of the continuance of the rights and privileges with respect to the establishment of separate schools. Section 17 of the Saskatchewan Act, 1905, deals with this provision and is included as appendix B.

Thus, the pattern of public and separate school districts was established. Both types of districts were able to assess and collect taxes, operate schools and offer instruction in grades 1 to 12. Since districts were not generally providing instruction beyond the elementary level, it was considered necessary to formally establish provisions for high school instruction.

We had the Secondary Education Act, 1907, enacted and it established a third level of school districts, namely, the high school district. A high school district could be formed when the council of any municipality passed a bylaw establishing such a district. The boundaries of the high school district were coterminous with the boundaries of the respective municipality. The resident ratepayers of the municipality, both public and separate, elected the trustees and could also stand for office.

The high school districts had academic jurisdiction over only grades 9, 10, 11 and 12. The high school district could not levy its own taxes but had to requisition funds from the municipality. The municipal council would then establish a high school rate which was applied to all property within the municipality. The taxes were collected by the municipality and transferred to the high school district for the operation of the high schools.

The department of education provided additional funds in the form of grants to the high

school district at the time, as well as to the public and separate school districts for the operation of their programs.

Another significant change in school legislation occurred in 1944 when the Larger School Units Act was passed. This act enabled rural and town districts to form larger units of administration. The result was that in rural Saskatchewan larger units were formed, including most of the rural, village and town districts. These boards continued or established the high schools in their areas to serve the needs of the students who were more and more demanding educational services to the end of grade 12.

With the emergence of high school districts, situations occurred in some areas where a public school district offered instruction in grades 1 to 8, a high school offered instruction in grades 9 to 12 and a separate school district offered instruction generally in grades 1 to 8, but in a few districts up to grade 12.

Private separate high schools were also established in a number of the larger urban areas. The private high schools had to operate on the basis of donations and tuition fees. They received no funding at that time from the provincial Treasury, nor from taxes. The separate school supporters were then liable for taxes to support the separate system as well as the collegiate or high school system. Thus, there was a system of double taxation. In addition, some parents had to support the private high schools if they sent their children there.

It was to correct these inequities that in 1964 an amendment was introduced to the Secondary Education Act. This amendment provided for the establishment of a separate high school district. This amendment made it possible for parallel structures to occur—a public school district and a high school district as well as a separate school district and a separate high school district. With the establishment of a separate high school district, the members of the minority faith were liable only for the taxes that were levied on behalf of the separate school district and the separate high school district.

The implementation procedures required the separate school district to prepare a plan, which was submitted to the minister. The plan included details regarding buildings, staff, programs and finances. The minister could modify the plan.

After approval of the plan, a poll of all resident ratepayers of the minority faith was held. The poll had to be taken between January 1 and October 1 in any year, and if the results of the poll

were favourable, the district was established January 1 following the poll.

Provision was made for the high school districts to continue to provide instruction to the end of the academic year with the fees paid to the high school district by the separate school district.

This amendment was introduced by the Honourable O. A. Turnbull, then Minister of Education. In his second-reading speech, the minister indicated that the purpose of the amendment was to eliminate double taxation for high school purposes where a separate school district existed in high school districts. He indicated the method used to rectify this problem was to provide permissive legislation for the establishment of separate high school districts.

In his reply to the second-reading speech, the Leader of the Opposition, Mr. Ross Thatcher, stated: "Mr. Speaker, I should like to compliment the minister on the way he presented his views on this legislation this afternoon. The Liberal Party has no desire to place such a matter as the issue now before us in the field of political controversy."

Thus, support from both sides of the House guaranteed passage of the amendment. It is probably safe to assume that this support reflected the general attitude of the public on the issue.

The amendment also included the provision that upon the establishment of a separate high school district, all provisions of the Secondary Education Act, including eligibility to receive grant funds from the province, were extended to the separate high school district.

During the discussions that occurred prior to the tabling of the amendment in 1964, the question of the constitutionality of such proposed changes was thoroughly reviewed. We are led to believe that these reviews indicated the proposed changes were constitutionally valid in Saskatchewan.

In fact, it was concluded that the guarantees for the establishment of separate school districts in the 1905 Saskatchewan Act really included the provision of services at the high school level. Thus, the provisions for the establishment of separate high school districts were viewed as constitutionally sound.

In retrospect, a number of factors can be identified which militated against strong opposition to the proposed provision for the establishment of separate high school districts. The enrolment growth in the early and middle 1960s in Saskatchewan paralleled that in many other

parts of the country. The elementary enrolment was growing at a rapid rate due to the baby boom. This, plus increased retention, placed considerable pressure on the high school enrolment so that it increased at an even more dramatic rate.

In the urban areas, this increase placed considerable pressure on high school boards to provide additional necessary facilities. To have some of that pressure taken off was a welcome relief for public high school boards. It meant that for a year or two, they would not need to build additional high schools.

In some of the urban areas, particularly Regina, some concern was expressed during this period that the separate school supporters had, through their taxes to the high school district, supported the establishment of numerous high schools. They contended that it was only proper and fair for the high school district now to relinquish one or two schools to the newly-established separate high school district. This contention was largely resolved when the separate high school districts were given permission and provincial grant funding to construct new separate high schools.

The comprehensive high school movement was sweeping across the country, and Saskatchewan was caught up in this movement. This occurred at about the same time. The separate high school board, as an example, in Regina, constructed Miller High School as the new comprehensive school in the separate system. With the provision of these new facilities, the demand for a share of the high school district's old facilities soon vanished. The new separate high school district in Regina constructed two new schools initially and they have continued to grow ever since.

A second factor which influenced the direction of the decision and the lack of any organized public protest was the fact that the teachers of the province were organized into only one organization. The Saskatchewan Teachers' Federation represented, as it does now, all teachers. With the rapid growth and the construction of new facilities, the fear of losing jobs was not there.

#### 10:20 a.m.

Many teachers moved from the public high school system into the new separate high school system and the new separate high school boards hired teachers of the Catholic faith whenever possible, but due to the shortage, particularly in some specialty areas, a number of non-Catholics were employed. This occurred without any provincial or departmental direction. It is significant that even today the separate school systems

employ a small number of non-Catholics in their schools.

The third factor involved in this general acceptance of the establishment of separate high school districts related to the manner in which the school trustees of the province were organized. The Saskatchewan School Trustees Association represents all trustees in the province. There are subgroups to the association, and the Catholic section is one of these groups. This section had, for some time, expressed the desire for the establishment of separate high schools. The organization tended to support the contention of this section and did not take public stands in opposition to the proposal for the establishment of separate high school districts.

The provisions for the establishment of the separate high school districts also established provisions whereby boards of new districts had the same duties and powers which had been assigned to trustees and boards in the public system. This included forming boards of education with a separate elementary school and, by a 1965 amendment, joint boards.

The department, in providing grants to these new systems, utilized the same funding approaches utilized in the public system. Thus, at the establishment of separate high school districts, funding at the rate of the public system was established for them.

The separate high school districts, furthermore, had the same power to requisition funds from the municipality in a manner similar to that enjoyed by the public high school districts. Supporters of separate school districts were recorded as supporters of separate high school districts unless a declaration was filed which indicated they were supporters of the public high school district.

It might be added that the question of tax support to separate schools by non-Catholics, or vice-versa, has been an issue in Saskatchewan, and there have been several precedent-setting cases.

The Bartz case in 1918 centred on whether, when a separate school district has been established, a person of the faith of the minority which has established that district, can demand that he be entered in the assessment roll as a public school supporter. This case went to the Privy Council in London and the decision was that a person of the faith of the minority could not demand that he be entered as a public school supporter.

A second case, known as the Bintner case, centred on whether a Roman Catholic parent

paying taxes to the public system in the same district was entitled to enrol his child in the system. The verdict of the Saskatchewan Court of Appeal was that the parent in question was not entitled to enrol his child in the public system.

So that established the split between the two systems, or the parallelism. However, the amendment to the Secondary Education Act did permit a ratepayer to declare that he was a supporter of either high school district. This provision was removed in the 1978 Education Act but was reintroduced in a modified form in the 1983 amendment to section 144 of the Education Act.

Present provisions are as follows:

Taxes are submitted to the public system unless the taxpayer is a member of the minority faith, in which case they are payable to the separate system.

The right to attend school is limited to persons aged six to 21 in the division in which he or his parent or guardian resides.

In those districts where a public and separate high school existed in 1964, it was made possible for the pupils to be enrolled in either high school system.

This opting privilege now extends only to school attendance at the high school level; it does not extend to opting about where to pay taxes.

The matter of school assessment is addressed in our present act in sections 291 to 303 and these are attached for your information. Section 292 addresses the matter of separate school assessment and, where property is held as joint tenants or tenants in common, taxes were to be shared between the public and separate systems in the proportion of the interest in the property.

The separate school districts in areas where a public high school district existed and which offered instruction to the end of grade 12 at the time of the 1964 amendment included Assiniboia, Estevan, North Battleford, Moose Jaw, Prince Albert, Saskatoon, Weyburn and Unity.

It has been noted earlier that there was some concern expressed by other groups, such as the Lutherans, who were also operating private high schools, about the "fairness" of extending funding to only one denomination.

Provision was made several years later for some grant support to be extended to those high schools which met certain criteria. The criteria were established at that time and still apply. It means that a private high school that has been in operation for not less than five years and has had an enrolment during each of the preceding two years of operation of not fewer than 60 pupils in

grades 9, 10, 11 and 12 is required to meet the requirements of the minister in respect to courses of study, qualifications of teachers, operating schedules and departmentally supervised programs. The school has to furnish the minister with information he may require with respect to finances, structure and administration of the school. Capital grants are also payable to these private schools at the rate of 10 per cent of recognized cost if they meet those criteria.

In the bulk of the province, currently there is one public school division offering kindergarten to grade 12 to all eligible pupils. In a few areas, there is a separate system parallel to the public system. At the high school level, in smaller cities in the province particularly, we have joint boards of management, which have been established to take advantage, in 1967 and beyond, of the comprehensive school funding to establish comprehensive schools. These are in existence today.

That briefly outlines where we have come from and where we are. I would be happy to try to answer any questions you may have.

**Mr. Lane:** Mr. Dyck, I certainly appreciate the comments you have made this morning. I am sure there will be many questions and I will not take up very much time.

On page 5 you talked about the decision being made by polls taken in the community rather than by government making the decision, so to speak. Is that still the case?

**Mr. Dyck:** The provision for the establishment of a separate school district still remains that way. In a public school district, the first school formed is a public school. Then within the bounds of that public school district the minority may petition for the establishment of a separate school district, and that is still in place today, yes.

**Mr. Lane:** It is still done by poll.

**Mr. Dyck:** Yes. There has to be a poll of the minority electors now, and the majority of the minority then decides whether a separate school will or will not be formed.

**Mr. Lane:** You mentioned joint boards of management. Do you have any situations where there is the sharing of a facility?

**Mr. Dyck:** We have a number of small cities, such as Estevan, Swift Current, Yorkton and so on, where the city public board, the city separate board and the rural board surrounding the city have formed a joint board of management to operate a comprehensive high school, grades 10 to 12. These have been in place since they were formed in 1967, 1968, 1969, during that period

of time. Each member board nominates certain of its members to this joint board, and the joint board then operates the comprehensive high school.

**Mr. Lane:** I suppose the difference between the situation here in Ontario and that in Saskatchewan would be that this was done at a time when enrolment was increasing and teachers were in short supply. We are doing it at a time when enrolment is decreasing and teachers are overabundant, apparently.

**Mr. Dyck:** The last page in your handout is a graph of our high school enrolment growth during that period. You can see the rapid escalation at the time.

**Mr. Offer:** With respect to the formation of these joint management boards, are they mandated through legislation? Can you tell us how they have evolved?

**Mr. Dyck:** They evolved as the result of permissive legislation in 1965. Then the onus was on the boards themselves to come together and to form these joint boards of management.

**Mr. Davis:** When you are talking about the composite school and the joint management board, is there a separate entity in that school that would be the minority faith looked after by a principal and staff, or is there one staff, one principal and a vice-principal? How do you operate? How do you make that function?

10:30 a.m.

**Mr. Dyck:** I will use Estevan as an example. It has one staff and one principal. By virtue of the joint board agreement, the separate board has the power to name at least one member to the staff whose responsibility it is to teach Christian ethics and, in the case of the Catholic minority, to look after the welfare of the Catholic students in that school.

I would be hard pressed to split the staff for you as between Catholic and non-Catholic, but there is only one staff member and one principal, with the proviso for at least one to be nominated by the separate board.

**Mr. Davis:** How does that school handle the religious education of the Catholic student, for example? In respect to that, I mean their opening exercises, their prayers. We have been told that before each class the eucharist is offered.

**Mr. Dyck:** That is left optional to the Catholic students who attend during the time when others are scheduled into some other program.

**Mr. Allen:** I went to Saskatchewan to teach in 1964, and I guess I was so caught up with my

responsibilities I did not realize all this was happening, which perhaps is a testimony of how relatively easily it was done.

Let me ask a bit more about process. In the first instance, did the government hold extensive hearings around the province on the issue?

**Mr. Dyck:** The best information I have is that they did not. There had been representation to them by the Catholic school trustees section and various interest groups.

The Liberal Party was in opposition at the time and at their convention had enunciated their support for the extension of funding to the separate schools at the high school level. Both parties then were in agreement, and it was introduced that way.

**Mr. Allen:** As I recall, there was no election that intervened in the process itself, but there was one not too many years afterwards.

**Mr. Dyck:** Yes, a year after.

**Mr. Allen:** To the best of your memory, was there a response like the one we have been getting here, namely that, because both parties agreed, there was a disfranchised electorate that did not have anybody to speak for it?

**Mr. Dyck:** The best information I have is that the electorate by and large seemed to support the position of the two parties.

**Mr. Allen:** With the concerted agreement of the teachers' federation and the trustees, that would make a great deal of difference in that situation.

Was there any estimate as to the impact of the issue on the election?

**Mr. Dyck:** Not that we could tell. I must indicate I was teaching in the public system at the time and, as you know from your time there, there was very little public outcry against or for it. It was just an issue people seemed to feel had to be dealt with and it was done.

**Mr. Allen:** Would it be fair to conclude that in the aftermath of all the arrangements, public acceptance has been very high? Have there been any incidents which would indicate otherwise?

**Mr. Dyck:** Not at the high school level. I do not want to leave the impression Saskatchewan does not have its own share of warts. We have some problems in a few rural areas, where the separate system is really quite small and has difficulty functioning. We have had two separate school districts established within the last three years at the elementary level. That always creates some tension locally.

**Mr. Allen:** Those have been resolved, though.

**Mr. Dyck:** Yes.

**Mr. Allen:** What is the proportion of Roman Catholic students in the comprehensive jointly managed high schools as compared to those in the separate high schools?

**Mr. Dyck:** I do not have a figure before me.

**Mr. Allen:** Do you have a sense of that?

**Mr. Dyck:** I know that, in total, the students enrolled in the separate school system in the province form approximately 15 per cent of our total population. That needs to be taken in the light of the fact that in rural Saskatchewan, where there is only one public board covering a geographic area of 60 by 30 miles, it includes a number of separate school supporters who are part of the public system.

**Mr. Allen:** The separate system, consequently, is 15 per cent. In Ontario, it is 24 per cent; so it is a substantially larger group in Ontario.

Could you explain to me a little further the arrangement for the division of taxes? I gather that for elementary, everyone chooses his panel, and that is pretty rigid. Then when it goes to secondary—

**Mr. Dyck:** In 1978, the Education Act was passed to consolidate all school legislation into one package. At that time the high school districts, as districts by themselves, were abolished and we have had, since 1978, kindergarten-to-12 public and kindergarten-to-12 separate. A taxpayer has to declare where he wants his taxes paid. The declaration has to be made on the basis of faith to the assessor. If he is a separate school supporter, his taxes go there, and if a public school supporter to that system. He cannot choose that. That is chosen by virtue of his faith.

**Mr. Allen:** Perhaps I heard you wrong. I have not gone back to reread the section. I gather, none the less, one could move between the secondary panels.

**Mr. Dyck:** Only in school attendance, where there had been a high school district prior to the establishment of the Education Act. In the cities, and I think five cities are involved—Saskatoon, Regina, Moose Jaw, Prince Albert and North Battleford—a student could move from one system to the other. The taxes, however, stay with the separate system.

The provisions for moving or opting require the parents to notify both boards by a period in spring—I believe it is May 1—of their intent to enrol their child in the other system in the fall. The two boards are then left with the option of having to work out the agreement between them.

On that count, in the city of Saskatoon the two systems have had a long-standing agreement of exchange of pupils. What happens is that at the end of the year they total the number of public students in the separate system and vice-versa and do a tally and exchange tuition fees. That is it. Parents really do have, at the elementary and secondary level by virtue of the board's agreement, the option of attending one or the other.

**Mr. Allen:** That is all for now, Mr. Chairman.

**Mr. Offer:** As a supplementary with respect to the tax designation, is there any provision whereby one may be able to split one's taxes?

**Mr. Dyck:** Only in the case of a couple, where one member of the family is a Catholic and one is not. In those cases, the taxes are split in proportion to their interest in the property.

**Mr. Offer:** To carry on, how does one know the proportion of the interest in the property? Is it just done on the basis of faith or is there any regulatory mechanism?

**Mr. Dyck:** Usually for a family property, a house and lot, the assessor takes a 50-50 approach to it. If it is a corporation, then the proportion is according to the interest of a separate supporter versus a nonseparate supporter. It is split that way and the corporation is required to declare itself. You have both tax sections in your handout. You can read the sections from the Education Act. It will address that question.

**Mr. Epp:** I just wanted to explore that a little further, Mr. Dyck. With respect to corporate and commercial assessment, they can declare where their taxes go, whether they go to the separate or the public system?

**Mr. Dyck:** They are required to declare, normally, with the faith of the shareholders if that can be identified. If it cannot, then it is split on the basis of the public versus the separate assessment.

**Mr. Epp:** Could you explain that a little further?

10:40 a.m.

**Mr. Dyck:** Okay. As an example, in Regina—I am going a bit by memory here; I do not have that figure with me—probably about 75 per cent to 80 per cent, or maybe a little higher than that, of the total assessment would go to the public board. So in Regina the public assessment is about 80 per cent of the total assessment. A corporation in Regina would have its taxes split 80-20. I am using those as round figures. It is actually

somewhat different from that, but that is how it would be split for a widely held corporation.

**Mr. Epp:** And that has to do with both the commercial and industrial assessment rate? On average, what percentage of the property assessment is used for school purposes as opposed to grants from the province?

**Mr. Dyck:** The provincial support for schools runs in 1985 at approximately 54 to 55 per cent of total board expenditure.

**Mr. Epp:** That is the provincial share?

**Mr. Dyck:** That is grants, right. It will vary from board to board. Our grant formula, simply put, is as follows: We calculate what we call a recognized expenditure. We take the enrolment, multiply it by a per pupil rate and then we take a recognized local revenue; we take the equalized assessment and multiply it by a computational mill rate, which is within 95.3 and 95.5. Then the difference between those two is the grant. Each board is given a grant according to that formula.

**Mr. Reville:** Mr. Dyck, can you tell us what is the relative tax burden of the separate school supporter versus the public school supporter?

**Mr. Dyck:** In most cases the public and separate mill rates are identical. In some cases it may vary by a fraction or up to a mill, but in most cases they have been virtually identical.

**Mr. Epp:** When the new system came in after 1964, was there a phase-in period during which transfers had to take place? I mention that because in Ontario we are talking about the fact that in Bill 30, and I do not know if you have seen Bill 30 or not—

**Mr. Dyck:** I have seen Bill 30.

**Mr. Epp:** You have studied it?

**Mr. Dyck:** I just read it.

**Mr. Epp:** There is a 10-year phase-in period. Did you have anything of that nature in Saskatchewan?

**Mr. Dyck:** No. The amendment was open-ended, so there was no time frame in the bill. It just said that if the supporters of the separate system wished to establish a separate high school system, they could.

**Mr. Epp:** Did you encounter any particular problems at that time which, based on your experience in 1964, you see evident in Ontario and on which you could give us some suggestions as areas in which we can avoid conflict or problems?

**Mr. Dyck:** I must confess I am not familiar enough with the Ontario situation to answer that question.

**Mr. Epp:** I must confess it was not a totally fair question either. Were there any particular problems with the transfer of students from one system to another? Was there a great influx into the separate schools from the public system? I know we were in a growth period, and that is a little different to what we are encountering here now.

**Mr. Dyck:** The separate high school systems, once they were established, were subscribed to by a large majority of separate school supporters and parents, so that in the areas where separate high schools were formed, most of the students did move across. Some decided to stay in the public system to finish off. They went to grades 10, 11 or 12 and stayed to finish off their high school program. Then when the enrolments fed in from the bottom, they moved over.

**Mr. Epp:** When you had this period when things were phasing in, did you do it one grade at a time or did you do the whole thing at once?

**Mr. Dyck:** No. It was done all at once.

**Mr. Epp:** That is all for now. Thank you.

**Mr. Allen:** I have a brief supplementary. If the percentage of Roman Catholics largely moved across, can you give us a sense of the time frame over which that happened? How long did it take for the effect, the total absorption impact, to take place?

**Mr. Dyck:** It took place over about a three-year period. There was about a year of planning. The separate boards had to develop a plan to be submitted to the minister on how they planned to operate. The minister had to approve it and they then had to hold a referendum within the separate division between January and October. The system was formed the following January and really became operational the following September and so on. It was about a two-year to three-year period.

**Mr. Allen:** There was no substantial trickle later that was of any consequence?

**Mr. Dyck:** They all pretty well came on during that time.

**The Vice-Chairman:** I am going to have problems with supplementaries, since I now have three. Perhaps we will do the go-around on this supplementary and then if people have supplementaries, they might make notes of them and get on the list for a series of questions.

**Mr. Offer:** With respect to the percentage of Roman Catholics in the province, do you have any idea what that was in 1964?

**Mr. Dyck:** No, I do not.

**Mr. Offer:** What is it in 1985?

**Mr. Dyck:** In 1985, the enrolment would closely parallel—I had better back off; I am not sure.

**Mr. Epp:** Have you any idea what percentage of non-Catholics would be in the separate school system?

**Mr. Dyck:** It would vary a little from system to system. Saskatoon would have probably five, six or eight per cent. In Regina, the two boards have decided to be a bit more rigid about movement across, so it is quite a bit lower; probably one per cent.

**Mr. Davis:** I have several questions. When it was introduced, was there legislation or penalties to force co-operation between the two boards? Are there any now?

**Mr. Dyck:** The answer to both is no.

**Mr. Davis:** Was there any suggestion that if the Catholic and rural boards did not co-operate, they would not get the funding?

**Mr. Dyck:** No. The only incentive we had was that if a separate high school district was formed, it was entitled to the same grant as the public high school. If they formed, they got the grant; if they did not, they did not.

**Mr. Davis:** If they did not take part, they did not get paid.

**Mr. Dyck:** That is right.

**Mr. Davis:** Were there then, or are there now, any criteria for the size of population required in the jurisdiction, town or village before it could build a school?

**Mr. Dyck:** Currently, for school construction we require a board to provide the department with an enrolment projection. That applies to all systems and we will approve the construction programs only where the enrolment projection is sound.

**Mr. Davis:** What would you consider to be a sound enrolment projection?

**Mr. Dyck:** It would depend on the size of the community. A small community might need a school for 100 students.

**Mr. Davis:** Would you build a school for 100 students?

**Mr. Dyck:** Yes, we would.

**Mr. Davis:** You believe that is a viable educational program.

**Mr. Dyck:** It is in Saskatchewan, because of our population dispersion throughout the province. We have a lot of rural areas that are beyond

the extent of a proper busing arrangement and we need to have small schools.

**Mr. Davis:** With a population of 100 students in a school, what comprehensive programs could you deliver? Probably a better question is what do you not deliver?

**Mr. Dyck:** Basically, the small rural high schools deliver a simple academic program. That is all they can deliver. If you are 70 or 80 miles from the next town, the geography of the situation is such that we can do no more.

**Mr. Davis:** How many of those small school areas would you have?

**Mr. Dyck:** We have approximately 1,000 schools in the province. About 300 are small in those terms.

**Mr. Davis:** Under what?

**Mr. Dyck:** Under 200.

**10:50 a.m.**

**Mr. Davis:** That is different. I have a lot of problems with that, but that is all right. In the situation now, what mechanisms are in place to solve difficulties that may arise in those schools between the two management levels?

**Mr. Dyck:** The small schools in rural Saskatchewan are basically all public schools, except for a few small separate schools. If a difference arises between the public and separate boards, there is no legislative mechanism for resolving the issue.

The trustees' association, the department and the teachers' federation have, in a couple of cases, put together a three-member team to go in to try to assist either the two boards or the board and the public to resolve an issue. We have a small team. We put together an ad hoc team any time a problem comes up and use them to resolve that kind of problem.

**Mr. Davis:** If one of the parties was not happy with the resolution, does it have any appeal court to go to?

**Mr. Dyck:** The conflict could be bus transportation provisions. I suppose the option is to establish your own if you are unhappy with what you are getting from your neighbour.

**Mr. Davis:** You talked about the boards having to present plans. Is that both boards or just the separate boards?

**Mr. Dyck:** The separate board had to present a plan to form a separate high school district and a separate board was formed. The public high school was already in place.

**Mr. Davis:** When the separate school presented the plan, and there was a coterminous

public school board in the same jurisdiction, did it have to agree in content to that plan? Did they have any input into that plan? Would that plan have any effect on the coterminous public school board?

**Mr. Dyck:** It did because if a separate high school was formed, the public board would lose students to the separate system and lose assessment to the separate system. This occurred during the time of rapid student enrolment increases and therefore the student issue was not a significant issue. The assessment issue seems, from the evidence I have been able to dig out, not to have been a significant one.

**Mr. Davis:** Because you were in a growth situation.

**Mr. Dyck:** Yes.

**Mr. Davis:** This is taken from an article by Cathy Campbell. It is a statement by John Stuart, Superintendent of Education of the Renfrew County Roman Catholic Separate School Board. I would like to know whether you think this occurs in your area or not.

"For all intents and purposes, the Catholic identity has been eroded. The Catholic community entered into an agreement that did not properly safeguard what it hoped it would safeguard. The agreement should have included mandatory religious instruction, a chaplaincy program, a Catholic guidance department, and some kind of guarantee about the number of Catholic teachers who would teach in the school."

**Mr. Dyck:** The position taken in Saskatchewan on that whole issue was that once a separate high school was established, the separate board had the responsibility of ensuring the welfare of its particular situation. As an autonomous board, it could enter into an agreement and they could, in the agreement, specify very rigidly what they wished or they could leave it more open-ended. They have taken the more open-ended approach in most cases.

**Mr. Davis:** Another quote is from a young lady, a grade 11 student in Weyburn, one of the comprehensive schools. This is what she says, and I would like you to comment on this because it is one of the issues that we are resting on. She said: "I think it is better that all students in the small town of 11,000 attend the same high school. Not only are the facilities better, but the community is more united."

**Mr. Dyck:** The total enrolment in the Weyburn school is approximately 550. If a separate high school were formed, it would split that into

smaller packages. The Weyburn separate board has joined with the Weyburn public board in the operation of the school.

**Mr. Davis:** Do you think it is more cohesive for the community?

**Mr. Dyck:** It is working.

**Mr. Davis:** As an educator, would you believe it is in the best interests of education to allow a separate school board to be formed in Weyburn, with 550 students, and split them? I understand that in some areas, according to this article, about one third of the people in rural Saskatchewan are Catholics. I assume it is nearly 50-50 or 40-60. Would you think that would be educationally sound?

**Mr. Dyck:** That is an opinion question. I prefer to withhold my comment on that.

**Mr. Davis:** I think you should become a politician.

I am impressed with your brief. I am especially impressed with the concept of a composite school in which one has a variety of programs available. It may be one of the solutions we will have to look at—if not this committee, certainly at some point the people who are responsible for education in this province—in order to provide that facility and to fulfil the concept we have of equal opportunity in education for all students.

It may be a little bit costly in the beginning, but to build a school in the 181 jurisdictions that face low enrolments where we believe—you will not comment on the question I asked, and it is one of the important questions of the fracturing of the education system in respect of the quality of program we deliver.

It is interesting that in one of the situations a Catholic principal who had been teaching for some 30 years suggested a magical figure. It might be 500. It is the figure the principals' association for the public secondary schools used the other day as its baseline. I understand this does not occur all over; I realize that.

That has some really sound suggestions for us in building a proper education system and still allowing the separate school board to have input into its direction and its programs so they meet the board's needs and yet provide the students—and sometimes in our deliberations I think we forget there are students out there as well—with the kind of quality of education that educators and parents believe is important. Thank you for coming. I appreciate it.

It might be interesting for us to go and visit one of these schools. We could send you, Mr. Cooke. You might like to go for a couple of months or so.

**The Vice-Chairman:** It might be interesting going to Saskatchewan in the next few months. I might be able to do some other things besides just looking at the schools.

**Mr. G. I. Miller:** I too have been impressed with the presentation this morning. It indicates that this system can work and has worked there for many years now. It should relieve some concerns that have been expressed to this committee many times that it will be divisive and destroy our public system. You have really found the two systems have worked well together and the co-operation between the boards has been reasonably good?

**Mr. Dyck:** Yes. The separate and public systems have been able to work out differences locally. It is working well for Saskatchewan. Perhaps that needs to be taken in the context of our geographic dispersion in the province, our historic roots, but it is working.

**Mr. G. I. Miller:** We have had an opportunity to work in the west at various times, and we realize the distances are much different from those in southern Ontario, or Ontario as a whole.

How many comprehensive school boards are there in the province?

**Mr. Dyck:** There are nine, I believe.

**Mr. G. I. Miller:** Nine, and they are sharing facilities? You indicated the growth period was on the upswing when this was brought in, but I think ours is in reverse now. We have excess facilities that could perhaps be utilized if there were co-operation between the existing boards, maybe in reverse. You have seen no problems with operating, as far as the communities are concerned?

**Mr. Dyck:** No, we have not. I should indicate that our enrolments in some of these are below what they were at one time, so there is excess space in a few of the comprehensive schools.

**Mr. G. I. Miller:** The other thing that has come to our attention is that there is funding for other private schools. Criteria have been laid down. How long has that been in place?

**Mr. Dyck:** Funding for private schools came in in 1968 and it has been working since that time.

**Mr. G. I. Miller:** Is it working quite well?

**Mr. Dyck:** We think it is. The private schools are a little concerned that funding at only about the 58 per cent level is not adequate. They would like more money from the provincial government, but that is not a new request.

**11 a.m.**

**Mr. G. I. Miller:** That is the concern. As a matter of co-operation between the boards, it has been working and has not been divisive. That allays a lot of my concerns. I would like to see the communities maintained and working together, which is very important.

You indicated there are many small schools. We have gone in the direction of larger schools, more programs and putting kids all together in larger groups. Would you tell us whether there is something to say for smaller schools with the special treatment they get there which could be better for society as a whole, rather than promoting the massive schools?

**Mr. Dyck:** It is a matter of opinion, I suppose, among educators. I should indicate that Saskatchewan does not have the population pockets that you have. Because of that, we have to live with dispersed populations. We have just over a million people in the province and, as a result, we have small schools.

**Mr. Reville:** I would like to pursue a different line of questioning. It has to do with teacher movement between the two boards. One of the appendices to your brief shows school enrolments and it stops, tantalizingly, in 1969. It shows a period of rapid growth between 1960 and 1964. The growth continues to increase but begins to tail off, and in 1969 you have a decline of 10 per cent.

First of all, can you tell us whether that decline has continued, or was that a peculiar year?

**Mr. Dyck:** The enrolments peaked in about 1967 or 1968 and they came down. We are currently on an upswing again. It plateaued out. We had enrolment declines until about two years ago.

**Mr. Reville:** So in the 1970s it was declining. Was it declining at about the same rate in both boards?

**Mr. Dyck:** No, it was declining at about one to three per cent a year for quite a number of years. The two systems experienced comparable rates of decline.

**Mr. Reville:** With regard to staff, were there about the same number of redundant teachers in both systems?

**Mr. Dyck:** Yes. We have not really had very many redundant teachers.

**Mr. Reville:** Good for you. When the funding was extended in 1964 following through the three-year period and the separate school system really took a large jump in numbers, did large

numbers of teachers transfer from the public system to the separate system?

**Mr. Dyck:** A good number transferred to staff the new system. I do not have the actual numbers and it was impossible for me to identify that information. I suspected the question would come, but I have not been able to put my finger on the data.

The separate system's high schools were staffed from two sources. One was transfers from the public system. I believe we imported a number of teachers from elsewhere at the time, and we had teachers from our training institutions. I cannot get a good handle on how many transferred.

**Mr. Reville:** One of the issues this committee is struggling with and which is of concern to people in Ontario is the fact that significant numbers of teachers will become redundant in the public system. We are calling them designated teachers. The concern is that the conditions of employment may be quite different in the separate boards than in public boards.

Is that the case in Saskatchewan, too? For example, do Catholic teachers have a behaviour code? That is a simple way to describe it. For instance, do you get fired if you are divorced?

**Mr. Dyck:** The separate school system does have standards of conduct for its teachers and employees.

**Mr. Reville:** Has that been a problem for non-Catholics in the separate school?

**Mr. Dyck:** Not really. Every so often you will find a teacher in the separate system either leaving quietly or with a bit of pressure because of this issue but that is an individual case.

**Mr. Reville:** Given that the teachers' association is an umbrella group that represents all teachers, how have the teachers' associations reacted to the quiet leaving of a member of part of their group?

**Mr. Dyck:** Normally what happens is a meeting between the teacher representative, the board and the individual teacher. The teacher does have rights under our act for a board of review if he or she is a tenured teacher. In most cases, in fact I cannot think of a single case where they have really pursued that, there has been a general acceptance so far that if you are a teacher in the Catholic system, you are expected to subscribe to and abide by certain Catholic principles in your lifestyle.

**Mr. Reville:** Are the collective agreements similar in school districts?

**Mr. Dyck:** We have one collective agreement for the province. We negotiate our teachers' salaries provincially. Actually we have a bilevel system of bargaining where teachers' salaries, principals' allowances, superannuation, sick leave, all those benefits are bargained provincially. Substitute teacher pay, terms of the agreement and some of the other issues of conditions of work are bargained locally. The provincial agreement does not speak to that issue. That has to be locally decided.

**Mr. Reville:** There is a good degree of portability then between the two boards?

**Mr. Dyck:** Sick leave is portable from one to the other in the province, if you went from one board to the next one.

**Mr. Jackson:** Mr. Dyck, you made reference to the two disbanded districts recently.

**Mr. Dyck:** Yes.

**Mr. Jackson:** Could we probe further in that area for a moment? What was the reason for those? Was it the slow decline? Was it essentially an economic decision?

**Mr. Dyck:** The one system is in the town of Wolseley. It is in St. Ann's Roman Catholic separate school division. Their enrolment had declined. They had fewer than 20 students the year before they shut down. As long as they were in existence, they had sent their students by agreement to the public high school. The separate supporters in the community finally felt it was to their advantage to combine the schools, so they have disbanded.

The other one is in the town of Meyronne. The same situation applied there.

It is basically an enrolment decline to a situation where it became uneconomic and educationally uneconomic to operate.

**Mr. Jackson:** Both cases were of acquired service from the public board?

**Mr. Dyck:** That is right.

**Mr. Jackson:** Could we talk for a moment about whether there were any buildings transferred during the evolution of the dual system? Do you recall any cases or is it all new construction?

**Mr. Dyck:** Basically new construction.

**Mr. Jackson:** Are there any cases of decline now in your province where the issue of a redundant school site or the transfer of a redundant site has been dealt with by your ministry?

**Mr. Dyck:** We have a number of redundant schools in the province. They are in the inner core of Saskatoon and Regina. The two systems

in each of the cities have had a number of school closures because of enrolment declines. In those cases, what is required is that the board can dispose of the property. It must however put the proceeds of that disposal in a reserve fund against construction of new facilities elsewhere.

**Mr. Jackson:** For their own board?

**Mr. Dyck:** Yes.

**Mr. Jackson:** Were there cases of a joint board owned facility or are there any cases of a joint owned facility? Are they owned by one and shared?

**Mr. Dyck:** Those we have experienced closure on have all been individually owned by one or the other system. We have had no joint board school closures.

11:10 a.m.

**Mr. Davis:** Do you have a school-closing policy process?

**Mr. Dyck:** Yes.

**Mr. Davis:** How do you decide when a school is going to be reviewed? What criteria do you use?

**Mr. Dyck:** It varies from board to board. We depend on the boards to make that decision. They come to us if they want a new school. If they want to close a school, they do not have to ask the minister for permission. That is a board responsibility.

**Mr. Davis:** What criteria do they use?

**Mr. Dyck:** It varies a little from system to system. As an example, in Regina the public board has a criterion that when enrolment in a school drops to 150, the administration automatically has to draw that to the attention of the board. The enrolment is then monitored and they make a decision as to whether they should close a school or continue it.

**Mr. Davis:** In essence, most jurisdictions would have what I call a quota trigger figure of a number of students to indicate to the administration that it should review the capabilities of the program and the ability to deliver the program to the student.

**Mr. Dyck:** It varies a bit from board to board.

**Mr. Davis:** However, there is a suggested figure. I appreciate your expounding for me why you have schools with 100; I was having some difficulty. You have a trigger figure of about 150.

**Mr. Reycraft:** Is religious education taught in the public elementary and secondary schools?

**Mr. Dyck:** Not really. There is provision for it to be taught, but I could not give you the name of a single public system where religion is taught as a subject. They have opening exercises that usually extend to the reading of a portion of the Bible and the singing of God Save the Queen, but I am not aware of any religion as such being taught in the public system.

**Mr. Reycraft:** Would the system permit it to be taught if local demand was perceived to warrant it?

**Mr. Dyck:** Yes. We do have a section in the Education Act that permits a board, if it wishes, to introduce a course for approximately half an hour a day following the three o'clock period.

**Mr. Reycraft:** I am surprised that in rural areas where there is no separate secondary school there is no demand for it.

**Mr. Dyck:** I have no answer about that. I am just explaining what is there. I do not know why.

**Mr. Allen:** Since Mr. Reycraft raised that question, perhaps I could pursue it a little further. Are you also saying that in the secondary schools there are no optional courses in religious studies such as world religions, comparative religion or that sort of subject?

**Mr. Dyck:** We have a course we entitle Christian ethics, which is an optional subject. It is used by the separate schools in their programs.

**Mr. Allen:** It is used by the separate schools. I gather from what you said it is also part of a comprehensive school program as well.

**Mr. Dyck:** That is right.

**Mr. Allen:** One teacher is designated to teach that.

**Mr. Dyck:** In the joint boards. In the separate high schools they would have more teachers involved in Saskatoon or Regina.

**Mr. Allen:** Can you give us some idea of the extent of the program of religious observance and education in the separate schools in the province?

**Mr. Dyck:** It is quite extensive at the elementary level in the separate schools, but at the high school level it is not nearly as extensive.

**Mr. Allen:** Have the elementary schools any informal activities such as attendance at mass or masses in the school occasionally?

**Mr. Dyck:** Yes. In the separate system, they have the complete spectrum of religious observances.

**Mr. Allen:** Are the separate secondary schools normally in a different building?

**Mr. Dyck:** There is quite a mixture of types per building. We have kindergarten to grade 12 buildings, grades 9 to 12 buildings, grades 7 to 12 buildings and grades 10 to 12 buildings. It is very difficult to generalize.

**Mr. Allen:** Was the Christian ethics course in the separate schools, and in the comprehensive schools in particular, a price demanded by the Catholic community for moving into joint board structures?

**Mr. Dyck:** No. I think the Christian ethics program is one of the programs the department has developed with assistance, of course, from the separate community. It is an optional course along with our other optional courses in the province.

**Mr. Allen:** Does that have a broad mix of attendance, or is it principally Catholics in the composite school who take that course?

**Mr. Dyck:** Principally Catholics. The separate schools generally require as one of the conditions for a non-Catholic to attend their schools that he or she participate in the religious life of the school.

**Mr. Allen:** How is that enforced?

**Mr. Dyck:** It is a condition of enrolment in those schools.

**Mr. Allen:** I gather from what you say that, broadly speaking, there is in Saskatchewan a major division between the rural and the urban delivery of education, and the big comprehensive, jointly managed schools are in the urban centres.

**Mr. Dyck:** That is right.

**Mr. Allen:** So principally, or perhaps entirely, the separate Roman Catholic secondary schools are rural phenomena.

**Mr. Dyck:** The comprehensive boards are in the small cities of Estevan, Yorkton, Swift Current, Prince Albert, North Battleford and Lloydminster. The cities of Saskatoon, Regina and Moose Jaw have a separate high school and a public high school. That is the basic division. In the rest of the province, in these school divisions that were formerly school units, larger units of administration, there is just a public system.

**Mr. Allen:** Just a public system.

**Mr. Dyck:** Yes. Except for small pockets, as I have identified, where a small minority in a small district had established a separate school district earlier and that has been carried on.

**Mr. Allen:** In the rural public system, is there any specific Roman Catholic or other minority

religious input in an organized and institutionalized fashion?

**Mr. Dyck:** None at all. There may be a little variation from community to community, but generally the answer is no.

**Mr. Allen:** Is there pressure from the Catholic community to develop a Catholic presence in that rural public system?

**Mr. Dyck:** Not that we are aware of.

**Mr. Allen:** I have now a sense of a three-tier system: major city, smaller city and rural area.

Can you give me some understanding of the way in which you deliver the expensive technical and commercial programs? Do they involve joint operations in the major cities, for example?

**Mr. Dyck:** No, they do not, not the technical and vocational programs. Both programs are offered by schools where the board considers the program is warranted by its enrolment projections. Our funding to the board is on a per pupil basis and is not tied to program, other than in the comprehensive high schools, where we do have a small additional grant on a per pupil basis.

If a board wished to offer a technical program, it would have to decide to offer it and put it in place. There are no additional funds for operating it. The program would be the result of parent and student requests and a decision by the board that, "Yes, it is an economic program for us to put into our system."

**Mr. Allen:** If a student in the rural public areas wishes a technological program, presumably he has to come into one of the minor cities, at the very least, or to Regina, Saskatoon or Moose Jaw, to access that program.

**Mr. Dyck:** The comprehensive schools do offer technical programs and they are dispersed throughout the province and in the small cities. There are areas of the province where this program is not available to a student, unless his parents decide to take him to the next town. Probably he would have to go into a boarding situation, but that is privately arranged if needed.

**Mr. Allen:** Is my memory correct that in Regina the separate and the public technical or vocational schools are virtually back to back and do a lot of cross-sharing of programs?

11:20 a.m.

**Mr. Dyck:** They are back to back physically, but there is not very much exchange. There is a little exchange in a few of the special areas. The Regina public board operates a school for pregnant teenagers. The Regina separate board operates a school for high school drop-outs.

These are very high cost programs, so there is only one of each in the city, and the two boards send their students who qualify for those programs into those programs.

That is an example of the sharing that occurs.

**Mr. Allen:** Are there other alternative schools under the umbrella of the public boards in, say, Regina?

**Mr. Dyck:** There are no other alternatives as such. We do have a phenomenon in the province, which I think is shared across the country, of the rise of small church-related private schools, which are not considered alternative in this sense.

**Mr. Allen:** None of them comes under a public board in any fashion?

**Mr. Dyck:** No.

**Mr. Allen:** You have no single instance of a Catholic and a public entity within the same educational facility?

**Mr. Dyck:** None other than the joint board.

**Mr. Allen:** Other than the joint board, which is a more amalgamated sort of arrangement.

**Mr. Dyck:** Right.

**Mr. Allen:** Is there a behaviour code or a professional conduct section of the Education Act in Saskatchewan?

**Mr. Dyck:** For teachers or for students?

**Mr. Allen:** For teachers.

**Mr. Dyck:** No.

**Mr. Allen:** How is that governed?

**Mr. Dyck:** The teachers' federation has its own code of ethics and standards of conduct. It has a professional ethics committee and a professional competence committee. The power of the organization is such that, upon an allegation of a violation of either of those, it has a committee to investigate. This committee has the power to make recommendations to the minister. These can go as far as the extreme recommendation that the individual's certificate be cancelled.

**Mr. Allen:** Is that actively enforced?

**Mr. Dyck:** There are normally two or three cases a year.

**Mr. Allen:** Do you have the wording handy?

**Mr. Dyck:** I do not, but I can make sure you get it.

**Mr. Allen:** Would you be interested in hearing the definition of what is required of a teacher in Ontario? I thought this might trigger some memory with respect to the content of that in the Saskatchewan teachers' federation. The major portion lies in the first few clauses:

"It is the duty of the teacher or temporary teacher to teach diligently and faithfully the classes or subjects assigned to him by the principal, to encourage the pupils in the pursuit of learning, to inculcate by precept and example respect for religion and the principles of Judao-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, charity, temperance and all other virtues, and to assist in developing co-operation and co-ordination of effort among the members of the staff of the school."

As the chairman of the separate board in Windsor said about that definition, "It reads as though one could be canonized without having to be baptized, if one were a teacher in Ontario." Is there any of that religious or quite specific moral overtone in the code in Saskatchewan, as you remember it?

**Mr. Dyck:** Not directly. All it refers to is that the teacher is expected to teach faithfully. There is provision for the removal of a teacher for gross misconduct and indictable offences. I do not have the whole thing, but I will make sure your committee gets a copy of it.

**Mr. Allen:** Yes, we would like to see that, if you would not mind.

**Mr. Jackson:** I appreciate this line of questioning here and I wonder if there is anything that refers to the objectives or goals of the school board or school system. Is there anything in the professional standards within the teachers' federation that addresses that area? This would be an example of a matter that separates the two jurisdictions.

**Mr. Dyck:** Not really. The provisions for removal of a certificate are the same for both. I should indicate there is a section in our Education Act which outlines duties of teachers, but the focus is on the professional duties and not on the behavioural duties as such.

**Mr. Jackson:** There is nothing that ties it into the objectives of the board?

**Mr. Dyck:** Only at the board level. The board will have its own standards. Each board will have its own.

**Mr. Jackson:** You have a local board setting certain criteria, but you have an umbrella provincial organization setting standards of conduct for a professional group?

**Mr. Dyck:** Yes.

**Mr. Allen:** If you could also provide us with a sample of a local board definition in that respect, that would be helpful.

I presume, with respect to nonteaching employees in both systems, though I guess this is more germane to the separate one, there is not the same rigorous requirement of role modelling, etc. We heard early in the hearings of a Saskatchewan case in which a staff employee, not a teacher, had recently been the subject of a court case in that regard.

**Mr. Jackson:** The Saskatoon separate system dismissed a secretary. I think there was a divorce involved.

**Mr. Allen:** I believe the upshot of the court case was that the school did not have the same right with respect to the staff employee as in the case of a teacher.

**Mr. Dyck:** That is my understanding. I do not have it with me, but I can provide the committee with a copy of that finding.

**The Vice-Chairman:** I think we have already requested that because I know this has come up before. In any case, if you could provide it, we would be grateful.

**Dr. Graham:** I do not think there was a request made, but we can get that, I am sure.

**Mr. Allen:** My last question has to do with why non-Catholic students might access separate high schools in Saskatchewan.

**Mr. Dyck:** The reasons are perhaps an accommodation of the following: the proximity of the separate high school geographically; sometimes a program is offered in one which is not in the other; sometimes the parents feel it might be to the advantage of the youngster to attend a Catholic high school.

**Mr. Allen:** Would that be because of a stricter sense of discipline, moral formation, a more clearly delineated set of values?

**Mr. Dyck:** I am not sure whether the discipline is any stricter, but I think there is an emphasis on the Christian ethics programs, sort of the spirit of the school.

**Mr. Allen:** I gather none of those reasons is part of any formal provisions governing access.

**Mr. Dyck:** No.

**Mr. Allen:** Are there also no provisions with regard to exemptions from religious education in those cases?

**Mr. Dyck:** At the high school level, the separate boards generally have a requirement, as a condition of enrolment by nonseparate students, that they are to conform to the standards expected of their students.

**Mr. Allen:** Is there no history of requests for exemptions?

**Mr. Dyck:** From that provision?

**Mr. Allen:** From non-Roman Catholics accessing the system.

**Mr. Dyck:** The option they have is to go back into the other system.

**Mr. Allen:** That is very helpful.

**Mr. Offer:** This happened in Ottawa when I followed Mr. Allen; my list of questions has dwindled until I have only two. I would like to carry on with a quick one with respect to the non-Catholic student in the separate system, and whether to your knowledge there has ever been a court challenge by a non-Catholic student or parent with respect to having the right to attend a separate school and be excluded from religious study.

**Mr. Dyck:** That was challenged in the Bintner case in Regina. The Saskatchewan Court of Appeal held that the Catholic did not have access to the non-Catholic school as a right. He could have access if the boards agreed to it, but he did not have it as a right.

**Mr. Offer:** Was that appealed to the Supreme Court of Canada?

**Mr. Dyck:** No, it went as far as the Saskatchewan Court of Appeal and was accepted at that level.

**Mr. Offer:** With respect to the non-Catholic teacher in the separate school, is there any understanding whether that teacher has full rights of advancement?

**Mr. Dyck:** In the system?

**Mr. Offer:** Yes.

**Mr. Dyck:** Normally, I would anticipate that, since these are specialty teachers but they are full members of the staff, the boards would, and do, treat them as regular members of the staff.

As an example, a home economics teacher in a separate high school has the full right to the staff benefits the other staff members have. Since we bargain salaries provincially, the salary issue is removed from any differentiation. The local agreement regarding sabbatical leaves and those sorts of benefits applies to that teacher as well as to the others.

**Mr. Offer:** In 21 years, has there ever been a non-Catholic teacher as a principal of a Catholic high school?

**Mr. Dyck:** I cannot say yes and I cannot say no to that one.

**Mr. Offer:** You are unaware?

**Mr. Dyck:** I am not aware of one.

**Mr. Offer:** As a department head?

**Mr. Dyck:** I would expect there might have been initially. I think initially, because of the shortage of teachers, they did have department heads in some of the large collegiates who might not have been Catholics, but again I am speculating.

**The Vice-Chairman:** I have a couple of questions. I want to understand better the students of Catholic parents who go to the public school system and what their rights are for movement back and forth. As I understand what you have said, it is not based on assessment; in other words, assessment does not move back and forth. The right to vote for school trustees on the local level is based on assessment and not on where the people go.

**Mr. Dyck:** That is right.

**The Vice-Chairman:** If one parent is Catholic and one is non-Catholic, then half the assessment would go each way, but so would the votes, I take it.

**Mr. Dyck:** Yes, the votes; and in those cases the attendance is then open as well.

**The Vice-Chairman:** One of the difficulties of our bill is that we are looking at the possibility of splitting the assessment. It looks as though your arrangement is similar to the one in our bill where it would be purchase of service, generally speaking.

**Mr. Dyck:** Right.

**Mr. Davis:** I would like to ask whether this would be a fair summation of the situation in Saskatchewan as compared to that in Ontario: the reason it went more equitably and smoothly there than it appears to be doing here in Ontario is that there was one teachers' union, there was a rapid expansion in both panels and there was a sparseness of population that allowed for the fact that when people looked at the school system and they had only 100 kids in their local school, there was no way they were going to hurt that.

**Mr. Dyck:** Right.

**Mr. Davis:** There are some lessons we can gain, but our situation is very dramatically different.

**Mr. Dyck:** That is true.

**The Vice-Chairman:** On behalf of the committee, I want to thank you very much for appearing. It has been most helpful in a very difficult situation. One can only reflect back on Mr. Davis's question, or summation, that it is too bad we did not do this a long time ago; it might have been much simpler for all of us in the province. Again, on behalf of the committee, thanks very much.

Committee members, the list of labour unions involved with the school boards across the province, which was requested of the minister a couple of weeks ago, has now been provided.

The committee recessed at 11:34 a.m.

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### From the Ministry of Education:

Graham, Dr. J. R., Executive Director, Regional Services Division

Dyck, P., Executive Director, Regional Services Division, Saskatchewan Department of Education







Ontario

No. S-30

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Wednesday, August 28, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, August 28, 1985

The committee resumed at 2:04 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** The briefs are going to be distributed. Perhaps Mr. Quinn could come forward and make himself comfortable. Would the members mind if we proceed without the brief having been distributed? It will be around shortly. As I do not see any objections, we will start, Mr. Quinn.

PATRICK J. QUINN

**Mr. Quinn:** Thank you very much for the opportunity to come and speak to you all. My name is Patrick Joseph Quinn. That probably tells quite a bit about me, at least in people's minds. It probably tells where I come from, what religion I am, what school I went to and perhaps the size of my family.

I would like to start off by telling you where I come from. I was born and educated in Dublin in the heart of Catholic Ireland. I lived my boyhood years around the corner from a street called Bloomfield Avenue in Dublin, probably as Jewish a street as you can find anywhere in the world. Four times every day, going to and from school and at lunch time, at the end of Bloomfield Avenue I passed a school and synagogue and across the road from it there was a Presbyterian church.

As I grew up, I played with Protestant children and Jewish children. I saw them as being different from what I was and it did not bother me. I feel different myself. I am an individual. I do not want to be like everybody else.

The school I went to taught me that the Roman Catholic Church was the one true faith. It also taught me that you had to love God and love your neighbour as the basic tenet of faith. I did not have to ask who my neighbour was, as was asked in the biblical story. I knew my neighbours. They were Catholics, Protestants, Jews and nonbelievers, for all I know. I guess not everyone is that privileged and the fact we are here today testifies, in some way, to the fear that is engendered when you do not know your neighbour.

My children are now past secondary school and my granddaughter is seven and being educated in another province, so I really do not have a vested interest in the issue that is being debated here. It should be of supreme indifference to me.

When Archbishop Garnsworthy made his intervention into this situation and said he did not care what they teach in Roman Catholic schools as long as he did not have to pay for it, and that Mr. Davis was akin to a fascist, and that he was not a bigot, I waited for the response. I thought there would be a tremendous response. I was disappointed. That is probably good, as a matter of fact, because as time has gone on it has become obvious that this is a very delicate and sensitive area with which we are dealing.

However, despite the fact I did not have a vested interest, I decided I just could not stand by. It is obvious the archbishop cares what is taught in Catholic schools. He disagrees with much of the public perception of what Catholics are all about. The issue of paying for it is pure camouflage.

The truth is Catholics have been paying their taxes for ages and their taxes have been used to fund public schools. Then they have been going out and carrying a double load. I did it myself. I paid for my children's high school education and I paid my taxes. By not giving Catholics a fair share of the taxes, obviously somebody is taking the benefit. It is going someplace. It is not just disappearing.

The archbishop was the factor that encouraged my participation in the debate, and I honestly thank him for that. My father used to say: "God moves in mysterious ways." If I had not taken part in the debate, I would not have had the incredible experience I had one day when I came and sat just over here and listened to the submission of the Metropolitan Toronto School Board.

Up until then, I had been pretty satisfied with the media coverage of the presentations. I did not think too much of the incisive analysis that sometimes went with it, but I was relatively satisfied. I wondered how anyone could take seriously the position of the Loyal Orange Association, which has been Catholic bashing since 1690 or whenever the battle of the Boyne

was fought. To ask their opinion on Catholic education is analagous to asking the Ku Klux Klan to give an opinion on desegregation.

I will get back to the Metro school submission. When I was sitting in here I was astounded at the hostility I could feel. Sitting around here today, you tend to feel the hostility. I wonder why. It was challenge, challenge, challenge, and the report was replete with dubious argument that could be shredded by any reasonable man or woman spending a little bit of time and just going over it. These were educators and administrators; it was not some redneck situation. They said they were entrusted with the education of 250,000 children. They wanted to know nothing about tolerance, negotiation, discussion. They wanted none of these. They even wanted to challenge the government's right to govern.

I sat back in the hope that the committee, when the time came, would take after them and run over some of these arguments that were made. The committee was in a hurry to get to Thunder Bay that day, and a couple of items were dealt with having to do with legalities and school buildings, I believe.

In retrospect, confronting them at that time would have been pointless. They came to fight; they did not come to reason. There is a saying that with reasonable people, we can reason. I guess it holds in the reverse; it is futile to reason with unreasonable people.

The truth is this issue has little to do with reason, and it has a lot to do with power, privilege, intolerance, fear and basic emotions just below the surface, I guess, in a lot of us. It also has to do with what I talked about when I gave my name, the stereotypes, the way in which we judge people on superficial grounds.

I was debating this issue with four business friends at lunchtime. We were arguing about the defeat of the Conservative government, and the issue of separate school funding came in. One of the people gave the opinion that it was tremendously divisive and had been a major factor and so on. I got into a little bit of a debate with him, and we talked about the funding of schools. He told me he did not want to pay for Catholic schools. I told him that was fine with me, I have been subsidizing his public schools for ages, and I was still doing pretty good. I was still pretty happy with the way my children were being educated, so I am prepared to keep subsidizing. It does not bother me.

I said: "Sometimes you might think about it when you are driving past Neil McNeil or one of these schools, and you see the parking lot and

everything inside covered with portables. You might ask yourself why people keep looking for this particular service or educational possibility."

In the heat of the moment, he said: "It is obvious. Come on, Pat. You know the Catholics are good breeders." We are talking about an educated man who has a university degree. I have travelled many thousands of miles with him. I know he would not hurt me or my children. However, just below the surface, when it was scratched, his preconception, his earlier thoughts as to what Catholics are all about, came to the surface. Nobody really talks now about Catholics as good breeders. This is 1985.

I could have reasoned and argued with him, but you cannot argue in a situation such as that. I could have told him the province of Quebec, where I lived for seven years and which has always been seen as predominantly Catholic, is so concerned about the birth rate that it is considering governmental ways of improving that situation. I could have told him a lot of things, but I did not.

Later, one of the fellows at the table phoned me and said: "Pat, I am sorry. I was embarrassed about that situation." That is the kind of issue we are dealing with and it is a great tragedy. It should not be allowed to be so divisive.

To get back to reason and the Metropolitan Toronto School Board submission, you have to ask yourself, "How can its representatives, with reason, come before a committee such as this and say, 'We are not going to discuss the declared purpose of this committee or these hearings'?" How can they talk about "a shattered system"? That is the name of the document, *A Shattered System*.

A group that has 250,000 people to educate surely cannot be concerned about losing some students. They are not going to lose much. Is the public school system so fragile? As a community, are we so fragile we will shatter a system with such resources by just giving a portion of taxes to other folks to educate their children the way they see fit? It is incredible.

In the beginning of the report, it says, "It is indeed unfortunate that there is a concurrence among Ontario's three largest existing political parties"—I like the word "existing" thrown in there; I guess that is meant to intimidate—"which fails to reflect the widespread public opposition to this plan throughout the province."

I do not know whether there is widespread public opposition to this plan. There was widespread public opposition to desegregation in the south and the abolition of slavery in England,

the home of the Magna Carta. So widespread public opposition, whether or not it is there, has nothing to do with whether it is right or wrong, and that is really the question.

The school board said it did not intend to suggest improvements to this legislation. It considers the principle it embodies to be socially and educationally mistaken. I disagree. In 1985, it seems to me to be very well taken, a long time overdue.

"We consider it to be an unwarranted tax burden and to be fiscally unsound." If all the Catholics pulled their kids out of Catholic schools and put them back into public ones, that system would have to educate and house them, provide them with supplies and do the same as it does for everybody else. Would we go bust because of that? I do not think so. However, that is not going to happen, so how can it be fiscally unsound to distribute taxes fairly?

**2:20 p.m.**

They talk about religious education. They say, "While religious education has an important place in public education"—those are their words—"it is totally inappropriate for public funds to be used to support an educational system whose stated purpose is to inculcate a particular religious perspective."

It is inculcating something. What is wrong with the inculcation of good values? Is that the reason Catholic schools are under the pressure they are to take more and more students? That is a question that society can decide, but Catholic parents have made that judgement themselves.

They say, "In a pluralistic, multicultural society, citizens through their government have the responsibility to provide the best education possible within a single educational system which each child has a right to attend, regardless of race, colour, creed, ethnic origin," etc.

Since when is plural singular? What has happened to the English language? We have a pluralistic society with a singular system? What is wrong with pluralism? Why can you not tolerate your neighbour being called Pantley instead of Richard? What is the difficulty?

This is a document, as I say, put out by educators and administrators. They argued about discussion. I do not remember much discussion of this document before it was funded with public funds. I could not get a copy of it here. When I asked for a copy here, they told me, "No, you cannot have it." The gentleman beside me was decent enough to give me the pullout, but the binders and the classy three-ring situation—paid

for out of public funds, believe me—were not available to the public.

They say, "Discrimination on the basis of religion in selecting who may attend or in selecting who may teach or in selecting curriculum orientation is socially and educationally untenable in a society which values tolerance and the broadening effects that a proper education should and must provide." What happened to their education? Where was the broadening effect that their education should have provided?

They go on to say, and the contradictions are incredible:

"First, we respect the existing right of parents to have their children educated in private schools so long as it is not at public expense...Second, we respect the right granted to Roman Catholics under the British North America Act to provide education at the elementary school level."

Thanks. They go on to talk about diversity and pluralism.

"Our pluralistic society recognizes not only many different and divergent ethnic cultures but also a greater degree of diversity of religious beliefs and nonbeliefs. The nature of the pluralistic society dictates that there be respect and tolerance for the diversity of cultural and religious values."

I want to conclude. I could have gone through this for a long time, but I know you have had many submissions and I really do not want to run too far along. I want to conclude with the written submission, which I have left there.

I say in it that it is an imperfect world. In a perfect world, everybody would be free to express himself as he wished, without disturbing or threatening anybody else. We would all be entitled to our individuality—and I think that is tremendously important—and we would have a truly pluralistic society.

This concept must surely be a strong desire in democracy. Democracy is a sort of fragile institution too, but it is not just the rule of the majority. You can get that kind of democracy in a mob. What makes democracy special is the rights of minorities, the way in which you deal with your minorities if you want to see the value of a real democracy. When we talk about Russia, for instance, we say, "See how they treat their minorities." It is very interesting the way we see our minorities.

None the less, we strive for this ideal of democracy by slowly improving and changing. Most change is painful and these hearings show the pain of that. The hostility is tied in with pain.

In a perfect world, everybody would be free to worship his own God, express his own faith or do neither. The desire of Catholics to educate their children in Catholic schools where their value system is integrated into education and reinforced is part of their expression of their beliefs. It should not threaten anyone else in a pluralistic society. There is no compulsion.

Other educational alternatives are freely available. That parents should make the primary decisions with respect to the education of their children is generally accepted. There has been considerable discussion about the history and the evolution of education in Canada and I could have spoken at length on that, but although it has been said that those who ignore history are doomed to repeat it, it seems to me the issue of funding different school systems should be considered in a contemporary rather than a historical context.

We should consider some basic questions. In 1985 in Ontario, is there a danger to our society in allowing taxes to be distributed more fairly in accordance with the desires of a significant number of our citizens? Will our general level of education, tolerance or pluralism be diminished by the fact that in addition to basic education in accordance with ministry requirements some children will voluntarily have additionally an aspect of education which reinforces aspects of their cultural and religious heritage?

Should the fact that this general desire for pluralism or self-expression not be feasible as one bold step in the education area, should this stop us from taking the small steps as opportunities arise where progress can be made and feasibility is not the issue? Are we secure enough to have a system of education which is more than the narrow definition of systematic instruction and which includes the development of character?

The Oxford dictionary goes on into the definition of education to talk about formation of character. It talks about character as collective peculiarities, or a race's idiosyncrasy or mental or moral qualities. This should appeal if pluralism is our concept. It talks to our distinctiveness and to our individuality.

Catholics have shown that they, in a responsible, acceptable way, have done it over the years. It is nothing new. They have a commitment to provide Catholic high school education and a willingness to make whatever sacrifices are necessary to do it. Many Catholics will tell you the sacrifices they have made for it. They pay their share of public school funding. They have

accepted a double load in not being compensated for their additional funding of separate schools. All they ask for is fair treatment. They ask it without rancour.

**2:30 p.m.**

They support those people who, for cultural or religious reasons, want similar school treatment. I have no objections. A friend of mine, last Sunday morning when we were talking about this—obviously I have been doing a bit of chatting about it—said to me, "Oh, if the Catholics have it, the Italians will want it next." I said, "What is wrong with the Italians having it next?" What is wrong if Italians want to educate their kids so that they have a feeling of being Italian? Is this going to threaten the rest of us?

Catholics do not seek the destruction of the public school system nor the imposition of their values on anybody else, and they do not want other people's values imposed on them. It is a free society. It is contradictory to speak of pluralism, diversity of culture and religious values while insisting on a single system of anything, including education. If you accept this, then you must also, in justice, accept the equal treatment of the diverse, pluralistic system with respect to public funds. You cannot have it both ways. To say we cannot afford it is a cop-out. What we have, we can afford to share.

I am sure Bill 30 is not perfect. It is a live-and-let-live document; pluralistic. Changes can be made in this context. If there are people whose genuine fears have to be alleviated, I do not see how anybody can really argue with that. But the principle should remain.

**Mrs. Marland:** I am not a member of this committee; however, I am a member of the Legislature. I have attended a few of these hearings and I am sorry about your comment regarding the hostility you feel in this committee or this room.

You commented about the committee rushing off one day to Thunder Bay. I have to tell you, not as a member of this committee but as an observer, that if there is one thing I would compliment this committee and its chairman on, it is the fact that they have been as open and gracious as they have been to the people before them. I have not experienced in any way any feeling of hostility. I am sorry you have.

The fact that the committee was indeed rushing off to Thunder Bay speaks very highly of the thrust of the committee. This all-party committee—all three parties sit on it—is saying to the people of this province: "We want to hear from you. Indeed, we are going up to Thunder

Bay so that you do not have to find resources to come down here." The committee is to be complimented for the atmosphere in which it has been conducting these hearings. I am sorry you have not had that experience personally.

**Mr. Quinn:** May I speak to that for a moment? I am sorry if I was misunderstood. I was not talking about hostility from the committee. I was talking about the hostility in the room.

**Mrs. Marland:** All right, I accept that. I have not seen that in the room either, but that is interpretation.

Where do you feel one's religion, if any, is best taught?

**Mr. Quinn:** I think parents have the primary obligation to pass it on and they do pass on their beliefs to their children, be they religious or other social values or what have you. In the home is where religion is basically taught.

I feel, though, that in a pluralistic society there are many pressures on the values that are taught by the family. I know this myself. You have to live with your neighbours and your neighbours do not see things exactly the way you do. Your children have to mix in the world and they have to be able to do that. I understand that. But in their formative years, if they can have the parental support, and the parents themselves have the support of the school, that is the way to do it.

**Mrs. Marland:** In a child's life, what years would you describe as the formative years?

**Mr. Quinn:** I think it was one of the Jesuits who said, "If I had a child's education until he was seven, I would not care what the world threw at him afterwards." I am paraphrasing. It is something like that.

**Mrs. Marland:** I would agree with that.

**Mr. Quinn:** There is more to it than that. My children are 27, 25 and 18, and I see a lot of formation still taking place. I must admit in my own life I was a different person at 20 than I was at 13. We certainly learn along the way.

**Mrs. Marland:** But my question was, what do you consider a child's formative years? You quoted the Jesuit as up to age seven.

**Mr. Quinn:** That is right, but I also said, and I believe, the formative years go on well after that. I am reasonably contented with the situation at high school, but the parental influence should be reinforced by the school influence until that stage.

**Mrs. Marland:** Until high school?

**Mr. Quinn:** Yes.

**Mrs. Marland:** Do you have any figures or, through your informal discussions, do you have any idea of the percentage of Catholic secondary school children who attend their own parish church on a regular basis?

**Mr. Quinn:** I do not have statistics on that.

**The Vice-Chairman:** If there are no other questions from the committee, I want to thank you very much for coming before us.

We have had a lot of briefs before the committee from people who feel very strongly on both sides of the issues. Rather than feeling anger in this room, you have probably more often felt tension. That is the nature of the issue. We hope as legislators we are going to be able to strike a balance in this bill that will satisfy as many people as possible.

**Mr. Quinn:** Thank you very much.

MOST REVEREND  
LEWIS S. GARNSWORTHY  
VERY REVEREND CLARKE MACDONALD

**The Vice-Chairman:** Our next presentation is from Most Reverend Lewis Garnsworthy. On the agenda I did not have anyone else listed, but I gather the presentation is a joint presentation with the Very Reverend Clarke McDonald.

If members of the audience would gather copies of the brief as quietly as possible, we can proceed as quickly as possible. Please proceed at your convenience.

**Archbishop Garnsworthy:** Mr. Chairman, may I make two corrections in the brief before you? The first is on the page 1, seven lines down. The statement of the Progressive Conservative leader begins, "One must hope...." The second is on page 4, four lines from the bottom. I do not know what an "aardvark" is, but I know the word should be "possible."

Today, Dr. Clarke MacDonald and I would like to make concurrent presentations. I have brought with me from my own staff Canon Abraham and Canon Blackwell, and the Chancellor of the Anglican Diocese, Mr. William Hemmerick. Dr. MacDonald might like to introduce those who have come with him.

**Dr. MacDonald:** Reverend Hanns Skoutajan is the past president of the Toronto Conference of the United Church of Canada. I am not sure if Dr. Robin Smith is here. No, he is not.

**2:40 p.m.**

**Archbishop Garnsworthy:** I want to begin with a word of thanks to the committee for the invitation to be present. I also want to say, on the other side of the coin, I wish I were anywhere but

here. I wish that because I have a feeling today is "Let's pretend" day. It is like reading the last chapter of an Agatha Christie mystery before you read the book; there is no need to read the book because you already know the solution. That is the state of affairs in this province.

We know what the answer is going to be because six days from now the beginning of the implementation of Bill 30 takes place. The day school opens, the bill begins to act. For that reason, we can have mountains of paper and endless presentations and the bulldozer will simply move on.

The second thing I regret today is that in this province, if people dare to raise questions about this issue, they are called religious bigots by some. It has become bigotry to ask concerned questions about what is happening in this province.

I want to tell the committee today that Dr. MacDonald and I are not anti-anything. We are not anti-Catholic. We are for the preservation and the growth of the public system of education because we believe that system belongs to the people of Ontario. Our fear is that it may be dismantled and damaged by what is taking place in this province.

I also want to say today I believe there are certain incontrovertible facts that have become clearer over the past months. The first fact is that Roman Catholics are, with the rest of us, a minority in this province. The second fact is that francophone is not synonymous with separate school supporter. The third fact is that numbers of Roman Catholics are no happier about Bill 30 than some of the rest of us.

Having said that, beginning with the document in front of you, I should like to speak today to two statements. The first statement is that we have a new dictionary of meanings in Ontario and the definitions are quite different to some of those I have grown up with.

Democracy: My father taught me that democracy means every citizen has a say in the issues of government. In this province the definition seems to have become quite different—one must see to it that the majority never gets near the issue, that it is never discussed and that there is no consultation, and one must hope that if trouble comes it will be after the party is elected. So said the Progressive Conservative leader in the *Globe and Mail* after the last election.

Hearing: That word used to mean to me that before an issue was settled, arguments were heard and acted upon if they were valid. In Ontario today, it seems to mean we will collect,

as I have told you, mountains of paper and go on with a charade, because in a matter of days the implementation of Bill 30 will begin exactly as planned. Every person in this room knows we have had no serious negotiations with all kinds of groups in this province on this issue. The matter has been decided and we are going to proceed.

Bigot: It used to mean having a closed mind towards another's faith. Now, however, in some quarters of Ontario, it means someone who asks searching questions. If a matter has been decided without consultation with any faith save one, nor with any public education authorities, you are a bigot if you dare to question it. Personally, in my public ministry, I have done all I can to share faith and ecumenicity and to overcome bigotry as I have understood it.

One of the great days in this Parliament Building was some three years ago when members of all kinds of faith traditions, having consulted together beforehand, met to ask what we could all do about hunger in this province. It was a great day because we consulted together and we came together. Would that we had been able to do the same in this issue that can be so divisive.

The justice system: I was brought up to believe that the courts were to be taken with absolute seriousness. When a major matter came before them, society waited for their decision. But not so now. In Ontario we go ahead despite the courts, and politicians tell me there is always a way around it.

The Charter of Rights and Freedoms: I heard it proclaimed as the dawning of a new day when all persons would be treated equally. Now the present Liberal government of Ontario, supported by the opposition parties, says there is an exception. There is one minority group that will be treated differently from any other group. It will have the right to millions of dollars of public money. The majority of citizens, however, will not be represented on its boards. It will be exempt from the process which others have to live with. If this is what the Charter of Rights and Freedoms is all about, it is not what I understood or heard from the leaders of this country.

The second statement I want to make is this. I trust you will allow me the privilege of answering one question which has been raised by some. It has been raised particularly by the Roman Catholic Bishop of London and the chairman of the Metro school board. It is a question that concerns the fact that I was a member of the Ecumenical Study Commission on Public Education of the early 1970s. That commission

prepared a statement that included the funding of separate schools. Fifteen years have passed. Restraint, recession, massive youth unemployment, an upheaval in immigration problems and a great many other changes have occurred during this period.

May I further state that at the beginning of the same period, Mr. Davis and his government also made statements that had been totally rephrased. I would like to say at this meeting of the committee that in the past 15 years the ecumenical study commission has never been asked by anyone in government about the question of separate school funding.

I have been the diocesan bishop of the Anglican Diocese of Toronto since 1972 and not once has any representative of government or of the ecumenical study commission asked me or my diocese to consider the question of separate school funding. I have been the chairman of the bishops of the province and of the provincial synod of the Anglican church for the last six years. Not once has any department of government or the ecumenical study commission asked me in that capacity or the provincial synod to discuss the question of separate school funding. I want to say that even today after 15 years I have never said we ought not to look carefully at the question of funding.

I am not foolish enough to believe we can erase separate schools in this province. I have no desire to do that. But we cannot deal with that piece of education alone as the fragment of a whole. It is a part of a whole subject in the light of where we are at this moment of history. It is certainly a difficult matter to deal with in the present situation because, as I have told you, the minute you speak you are labelled as a religious bigot and the application of the label prevents a discussion of the real issues.

The reality is that we are not engaged in a religious question. It is a political issue of how in a democracy a major social and educational change can take place without consultation with the citizens of Ontario simply by a 12-minute speech on June 12, 1984, in the Legislature followed by the setting-up of commissions for implementation. The political question is further complicated by the existence of a new government which, despite its appeals to the court, in the meantime will brook no delay in implementation. All this time, neither by election nor leadership campaigns, by referendum or any other process, have the people of Ontario been asked for their opinion.

2:50 p.m.

At this moment in this province, the truth is that we have no elected government; we have a government of arrangements. The truth is that there is no mandate for any political party, at this moment in this province's history after the recent election, to push ahead with funding, in my view. The subject was not allowed to become a voting possibility in the election, and we are left with a massive problem that remains unsolved. It is this critical political issue that lies at the very heart of questions that must be raised.

I appeared here today convinced that the extension of separate school funding is going to happen. The tragedy is the way in which it is going to happen. To the best of my knowledge, no prior consultation took place with any group other than separate school supporters. Public educational authorities and other bodies were left in total ignorance of what was being planned.

The truth is that the extension of separate school funding is not just a private matter involving Roman Catholics; it involves all of us. If a major change occurs in this province, it will affect all our children—Christians, Jews, Hindus, Moslems, atheists and all the rest. If the public system of education is weakened or dismantled, I believe all of us are going to suffer. I cannot conceive that any of us believe you can deal with one piece in isolation and secure justice, fairness or equity. There are no winners in this situation.

It is for this reason the Anglican bishops of the province and many other groups have asked for delay and discussion so that a reasonable solution might be worked out. For a few minutes a few weeks ago, I believed this might happen, but I feel that moment is lost. We now face the possibility of a public system of education, built with much struggle over a century and a half, in which my church has not always played a good part, being weakened and dismantled while one favoured tradition possesses rights granted to no other. The logic that proceeds from this decision is that if you are going to do this for one minority group, then every independent school in the province has equal rights to secure financial assistance. And why not, if justice is the reason behind Bill 30?

May I ask how, from a financial point of view, the government is going to deal with the extension of funding when it cannot fully fund our present educational needs? Is the New Democratic Party critic wrong when he says we have reduced spending on education from \$60 million to \$48 million, that we have cut back and do not have money to do the things we need now?

Is it not true that special education and existing programs are curtailed now because of restraints?

Where is the \$350 million for separate schools that the Treasurer (Mr. Nixon) talked about on television going to come from? He told a television audience at the beginning of July that the costs for the rest of this year might be \$80 million and the future costs might go up to \$350 million.

One is driven to the logic that the sacrificial lamb will be the public school system, picked to the bone and dismantled. We shall have lost the work of hundreds of dedicated teachers and students. Surely this is neither justice nor sound policy. Why divide communities and resurrect old feuds when the real solution is for those involved in the educational life of Ontario to sit down together and work out a reasonable policy for the future?

There are those who say there is another scenario. It is really only two grades we are talking about; it is only a little thing. But it is well to remember that there are many communities in Ontario that do not even now have grades nine or 10 in the separate system. Take the capital costs of all that, the capital cost of dividing buildings, the costs of erecting new schools, and you have a financial picture that is horrendous.

I know some political people have said there is no intention to build more schools and to put more than one school into a community. The truth is that facts change every day in this province and no one really knows what the real picture is. We hear that the cost is not the real issue, in the face of facts I find it impossible to ignore.

Again, my concern is that Bill 30 may well be legislation for an Ontario that no longer exists. The Ontario of 1867 was a simple picture with its Protestant and Roman Catholic components. Today it is far more complex and evolving. We live in a pluralistic society in which 53 per cent are Protestant or Anglican, 36 per cent are Roman Catholics and 11 per cent belong to other faith traditions or have no religious preferences at all, according to Statistics Canada, 1981. We need to draw together the elements of this society, not separate them.

If the implementation proceeds, it will not be the 125 members of the Legislature, nor boards of education, nor religious leaders who will suffer. It will be the young people of Ontario who will be the victims of political manipulation and who will pay the price of arbitrary decisions made without debate on the possible consequences. A generation of youth needs to be

trained to live in a pluralist, secular, technological society. In my view, fostering old religious divisions in education will not solve that problem.

I have checked the unemployment figures for this province. As of September 1984—and I do not think these figures have materially changed—in the 15-to-24-year-old group there were approximately 156,000 young men and women without work. All I have to do is look across the street from my cathedral to see an employment office that is choked to the doors with young people who have no work.

All I need to do is to go down to that ramshackle old church, All Saints, on the corner of Sherbourne and Dundas, and discover every day people who want to find a building in which young people may be housed. There is no money for that. There are hundreds of young people, I think thousands, who have no proper housing in this province and there is no money to provide it.

Yet, in the meantime, this September, to house 6,000 additional students in the separate school system and to place a religious label on them, the provincial government is willing to spend up to \$80 million. How does any reasonable citizen in Ontario make sense of this kind of planning? These figures and needs speak for themselves. I believe the Coalition for Public Education asked the right question when it requested a delay and a royal commission on the whole subject of education.

There are other serious questions to be answered, among them those that have been asked many times before, but I ask them again. What are the guarantees in Bill 30 for teachers who must transfer to the separate school system? I have in hand a declaration sent out by a separate school board, which says at the bottom it is to be signed by all teachers declaring they will accept Catholic principles.

What does this mean? I assume it means a teacher is acceptable if that teacher does not believe in birth control or agrees with the Roman Catholic position on abortion or divorce. If they do not agree with that, they are not acceptable, because that is what has happened in this province. Teachers have been removed who have not accepted those things called Catholic principles.

Some weeks ago, as I have told you, the Carleton Separate School Board made it plain that it expects to go on hiring and firing because of lifestyle. Left to themselves, that is exactly what I believe separate school boards will do. They will simply maintain to the death the firing

and hiring in terms of lifestyle. What does the Charter of Rights and Freedoms mean in the face of these demands? How is justice served if all of us who have to pay for both systems have no say or representation in such decisions affecting human freedom made by one of those systems?

**3 p.m.**

I want to ask about accessibility. The public system of education offers access to all. If, under the new system, separate schools have the right to deny access, it could mean that they will give access to the brightest and the best. If independent schools gain financial support, that will involve the same process. The public system will be more and more the dumping ground for those students the other systems do not want to accept. In many American states today, the public school system is exactly that. It is the leftover system.

If accessibility is left by the legislation to every separate school or board, we stand in danger of producing an elitist student body while the public system constantly deteriorates. Is that what we want? Is public education so inadequate that we will do anything to get rid of it? If that is our aim, let us be honest about it.

I want to ask today, what is going to be duplicated in this parallel system? I am not even clear about that. Can you tell me whether special education and workshops are to be reproduced in both parts of the system. I cannot find anything Catholic or Protestant, Muhammadan or atheist, in those elements of education. Are they going to be reproduced? No one has told me the facts of that.

I believe the most creative act the government needs to undertake in this province is to legislate common or allied school boards. A good model for that is New Brunswick, which already has created common school boards to deal with the educational questions of that province. Unless, from the beginning, there is a large degree of common planning and joint decisions, we shall have created a divisive force in the life of this province.

If we live with costs we cannot pay and divisions we never sought, and if we allow the possibility of our public educational system being dismantled, I believe we shall have committed a tragic act against the democratic process of consultation and discussion. I, for one, regret that we are forced at this moment to deal in this way with a matter so vital to our life.

**Dr. MacDonald:** I also want to thank you for this opportunity to appear before you to express my own view, which is not only supported by my

church but is also the view of my church, and to say that from the very beginning, 10 days after the former Premier's announcement in the Legislature of the extension of funding to separate schools, I wrote a letter to the Most Reverend Lewis S. Garnsworthy on June 22.

"Dear Archbishop Garnsworthy:

"Following consultation with officers of Toronto Conference, of whom Reverend Hanns Skoutajan was the president, of the United Church of Canada, I send you this message of support for your public statements regarding the extension of financial assistance to the separate school system by the government of Ontario.

"Particularly we, (1) support your concern for the possible and subtle emergence of the concept of a state church which is foreign to our understanding of state-church relations, (2) support your concern that this step on the part of Premier Davis will further fracture the religious community, (3) endorse your support for the public school system, and (4) with you, deplore the lack of consultation by the government and encourage dialogue in this regard."

A copy of that letter was sent to Premier Davis, to Mr. Peterson and to Mr. Rae. I never received a reply from the government of that day. I received a two- or three-line acknowledgement from someone in the office of the Leader of the Opposition of that time and an extensive explanation of the position of his party from Mr. Rae.

First, I heartily endorse and commend the statement Archbishop Lewis Garnsworthy has made today. This position, endorsed by the bishops of his own church, is totally congruent with a statement by the co-ordinating committee of the Ontario conferences of the United Church of Canada, with numerous resolutions passed by congregations, presbyteries and conferences of the United Church.

Second, I want to reject categorically the notion that either the archbishop or myself is promoting anti-Catholicism in what we are saying and doing. One defeated candidate in the election last May said, "They have made anti-Catholicism fashionable." Nothing could be further from the truth. Whether it was in the visit of His Holiness Pope John Paul II, Her Majesty the Queen or the more mundane, but equally important, work of coalitions for peace and justice, we have worked with our Roman Catholic colleagues in ecumenical action that even goes beyond the Christian faith to include other living faiths. As the archbishop has

indicated in this statement as well, this is and will remain one of our top priorities.

I wish to support and amplify some of the points raised by Archbishop Garnsworthy and in submissions to the government by conferences and presbyteries of the United Church in Ontario.

First, the issue of dealing in good faith in the matter of hiring teachers is a deep concern. I have in my possession a copy of a letter to an applicant for a position with the Lakehead District Roman Catholic Separate School Board dated April 2, 1985. The letter reads in part: "This will acknowledge receipt of your letter in response to our recent advertisement for teachers for secondary school programs." The advertisement that appeared in the local paper was directed primarily at this group. "However, in reviewing your application, it is noted that you are not a Roman Catholic, and since it is the policy of this board to give preference to applicants who are able to submit evidence of active participation in the Roman Catholic faith, and given the number of qualified Roman Catholic applicants presently on file, I am obliged to advise you that you are not being considered for a position with this board at this time." That was dated April 2 of this year.

Second, one must raise in this discussion the subject of the use of public funds to promote the values of one clear dogmatic position to the exclusion of all others. This was illustrated by a recent item in the Toronto press, the statement in Nairobi by Pope John Paul II that Roman Catholics who practice birth control are not being faithful to the teaching of the church and, by implication, I assume, not faithful to Christian doctrine. As a member of a church that advocates responsible contraception control as a viable choice and as a Christian duty, I find the notion that among the spiritual values that will be taught is that birth control is a sin, and that it will be taught in a school supported by our taxpayers' dollars, to be very offensive. It would be using public funds to teach something directly repudiated by my church and other churches as well.

Third, I am appalled that when former Premier Davis brought in this recommendation, to the applause of both the Liberal and New Democratic parties present in the House, there was not more foresight by the leaders as to the Pandora's box which they were opening. The research and consultation the government does on everything, from seatbelts to the environment, is much more exhaustive than any evidence of research having been done up to that point on this subject.

Fourth, apparently little, if any, thought has been given to the chaos that will result if or when extreme fundamentalist groups with militant points of view seek to impose their values through publicly funded educational systems. They have not hesitated to do it in other situations and would likely do so again. If you think that is not so, then listen to Jerry Falwell. The recent evidence from British Columbia and Alberta indicates the problem there will be down the road, with sectarian groups wanting to get on the bandwagon of public funding. There are religious groups noted for their strident opposition to the Roman Catholic church especially, but to mainline churches generally, who would take advantage of these funding opportunities, and it would be their right, if we are to be fair to all. They could use their fundamentalist dogmas against Roman Catholics, Anglicans, Presbyterians, the United church, Jews and others in a Keegstra fashion that would be appalling and divisive in our society.

### 3:10 p.m.

What we should be doing, what the fresh look in government could be doing, to their longtime credit, is to promote an education policy which would:

1. Unite, not divide, our youth and promote our unity as part of the human race in a very fragile and precarious planet;
2. Promote understanding of each other's positions rather than accentuate dogmatic differences, uphold the values that the phenomenon of religion in all living faiths entails and challenge our youth to seek that life of peace with justice for which the creation yearns.
3. Develop an education system that is appropriate to the challenges of the 20th century in a representative democracy; recognize the importance of religious studies in an educational system carried out in a nondogmatic and nonproselytizing manner.

Members of this committee, you have the opportunity to give leadership in this direction and not take us back into the divisive, narrow-minded interpretations of life and history which even today are causing cruel and bloody things to happen in other parts of the world. Are you equal to this task? I hope so.

**The Vice-Chairman:** Thank you very much. I am sure your presentations have stimulated some questions, so we will proceed with questioning.

**Mr. Epp:** I appreciate the comments you have made today and the briefs you have presented. I have a question for Archbishop Garnsworthy. You say on page 3 that the public education

system may very well be weakened by the channelling of additional funds to the separate schools. Of course, we have mentioned the figure of \$80 million in the first year.

As the previous presenter and I have asked today, why do you feel the public system is so fragile that by extending support to the separate system, it may very well—you do not use the word “collapse”—but it may very well falter?

**Archbishop Garnsworthy:** I do not believe it is fragile. I believe it is underfunded now. I do not think anybody can give us the exact figure the way things are. I do not think the public school system is fragile at all. I think it is in sound shape. But I think the danger is that it will not be. If it is underfunded now, what is it going to be like with another \$80 million to \$350 million being poured into another private school system, the separate school system? I do not understand where all this money is coming from and no one in this province has told us. Where is it coming from?

**Mr. Epp:** I can only assume it will come from general revenues.

**Archbishop Garnsworthy:** What does that mean? That is Alice in Wonderland. Is it produced in the basement by a machine or something?

**Mr. Epp:** I have not seen this figure of \$350 million. I am familiar with the figure of \$150 million after three years. I am not familiar with the figure of \$350 million.

**Archbishop Garnsworthy:** Those are Mr. Nixon's figures.

**Mr. Epp:** What is included in that figure?

**Archbishop Garnsworthy:** I have no idea because Mr. Nixon did not elaborate. I do not know what is included. The figures are up and down. They are whatever anybody wants to say. Who in this room can tell me what the cost is going to be?

**The Vice-Chairman:** We could provide you with the presentation given to the committee. I think the \$350-million figure was approximately the correct figure over three years; over the phase-in period.

**Archbishop Garnsworthy:** But we talk about—

**The Vice-Chairman:** We would prefer to proceed with questions.

**Mr. Epp:** With respect to the Legislature having approved the second reading, as you know, the three parties agreed on this; 124 out of 125 members obviously voted in support of second reading of Bill 30. I would think that is a

substantial amount of support for this particular bill among the members of the Legislature, who represent the population out there.

**Archbishop Garnsworthy:** Why do you assume that, when the question has never been put to the province? How can you assume that 124 members actually represent the opinion of a majority of people in Ontario who have never been asked? It was never raised as an issue. I do not understand that.

**Mr. Epp:** I can only say that during the campaign I was asked a number of times if I was supporting it. My constituents were quite clear on my position supporting the extension. I think that was the case in most of the constituencies, if not all.

**Archbishop Garnsworthy:** To me, that is not a clear consensus of the majority. The question itself was never put to the people of this province. To this day, it has not been put to them.

**Mr. Epp:** In what form can it be put to them? Are you suggesting a referendum?

**Archbishop Garnsworthy:** I think perhaps you have reached the stage where that is the way to do it; I am not sure. It may well be that is the only way to know what the people of this province want. It might settle it once and for all and we might know where things were.

**Mr. Epp:** So what you are suggesting, then, is a basic change in the form of government we have so that we do it by referendum rather than by elected representatives.

**Archbishop Garnsworthy:** I wish we had used the form of government given to us, which is called democracy. That is the form we have not used. We have seen to it that we have not dealt with this democratically.

**Dr. MacDonald:** Mr. Chairman, may I point out that Mr. Epp has just said he gave his position on this quite clearly and he is elected and therefore represents the people. I have letters from defeated candidates who are blaming the archbishop and me for their defeat because they also took the same position that he took, so it works both ways in the matter of the election. It proves nothing.

**Mr. Epp:** I will not ask you who they are, because I would not want to embarrass them.

**Dr. MacDonald:** I am not going to tell you.

**Mr. Epp:** All I know is that the majority of candidates in the last provincial election, and by far the very large majority, were in support of the issue.

**Mr. Villeneuve:** Reverend Garnsworthy, you refer on page 6—

**Archbishop Garnsworthy:** It is not “Reverend Garnsworthy.”

**Mr. Villeneuve:** Sorry.

**Archbishop Garnsworthy:** Any more than it is “Reverend Carter.”

**Mr. Villeneuve:** I am sorry. You refer on page 6 to an “elitist student body, while the public system constantly deteriorates.” Do you feel we have that now in the separate system?

**Archbishop Garnsworthy:** I think the possibility is there, because it has the power to choose which students it will accept. I think the possibility is always there.

**Mr. Villeneuve:** But I gather from your answer that you do not feel we have it at present.

**Archbishop Garnsworthy:** I want to feel we are not going to have that. I want to feel we are going to have a strong public school system; I want to feel we have had discussion so the separate school system is part of that discussion and we are all part of it. Then we avoid elitism.

**The Vice-Chairman:** Mr. Allen?

**Mr. Allen:** Mr. Chairman, I did not put up my hand to ask a question at this point. I am not sure where you got my name.

**The Vice-Chairman:** Sorry. I was advised that you did. That is fine. We can move on to Mrs. Marland.

**Mrs. Marland:** My Lord, you mentioned the ecumenical study commission and you referred to the fact that it has never been asked about the extension of separate school funding. I wonder whether you could tell this committee what kinds of items this commission was asked so that we might compare where this subject might have been missed.

**Archbishop Garnsworthy:** Yes. It dealt very much with the possibility of having a study of world religions in the education system. It also spent a great deal of time concerned that there should be the teaching of common moral values in the public school system in Ontario.

The majority of its time—all of it, practically—has been spent over the years in trying to look at those issues, and it has certainly had support from the United and the Anglican churches and a great many other faith traditions in looking at those possibilities. But the funding of separate schools has not been a topic.

**Mrs. Marland:** When you talk about an association or a fraternity of bishops within the Anglican church, is there such an association or

organization among the hierarchy of the clergy of all denominations in the province, and are you a member of such an association?

3:20 p.m.

**Archbishop Garnsworthy:** Over the years I have tried to belong to several groups. Wherever we have had religious leaders who have been willing to meet together, it has been a good thing for the life of the community. If you track me down, then I have belonged to several groups that have met to discuss various issues. I believe that is what we ought to be doing.

The tragedy of this issue is that there was no group that sat down to talk about it. Only one group was talked to by government, or talked to government; that is the tragedy of the present situation.

**Mrs. Marland:** Since the introduction of the bill, has your interdenominational group had any formal meetings to discuss it, to deal with the content of the bill?

**Archbishop Garnsworthy:** No. I tried to organize a luncheon, but a refusal came from a certain direction, so I did the best I could. I could not do any more.

**Mrs. Marland:** Could I pursue that?

**Archbishop Garnsworthy:** No, I cannot pursue that.

**Mrs. Marland:** You will not tell me the direction from which the refusal came. Okay. That is since the introduction of the bill?

**Archbishop Garnsworthy:** That is since June 12, 1984.

**Mrs. Marland:** That was going to be my next question; whether it was since the subject was introduced in the House.

Since the introduction of the bill which formalized how the procedure might take place—and I would correct Mr. Epp, by the way; the vote was not 124 in favour with one against, because there were people absent the night of the second reading, including myself.

**Mr. Epp:** I am sorry. I understand the Speaker does not vote either. I should have considered those factors.

**Mrs. Marland:** I think about 117 voted in favour. However, it was a majority, I would suggest.

**Interjection:** It was pretty close to it, I think.

**Mrs. Marland:** Yes. Since the bill was introduced, have there been any meetings of your group, at your level of the administration of the churches of this province, to look at it and the implementation that is being proposed?

**Archbishop Garnsworthy:** No, because we have had the little problem of summer, when all kinds of people have been absent. You really cannot count on people being in any one place in the summer. It has been extremely difficult to get any meeting at all.

**Mrs. Marland:** Are you using your office and your position in the Anglican church to plan any such meeting in the fall?

**Archbishop Garnsworthy:** Not necessarily, because I am not a self-appointed leader. I do not think it is my job alone to do this. I hope impetus will come from other quarters. I am perfectly willing to be part of any gathering, but I am not going to make myself a self-appointed caller-together on every occasion. I think that is a bad piece of business.

**Mrs. Marland:** You are not self-appointed; you are elected, I understand.

**Archbishop Garnsworthy:** Not to be an ecumenical leader. I am simply one of a number of minority groups.

**Mrs. Marland:** However, in your position, could you encourage other people within your church to organize, or at least open lines of discussion between the clergy at that level and—

**Archbishop Garnsworthy:** I have asked all the bishops of the province to ask their clergy to talk openly and honestly about this situation, to talk to public servants, members of Parliament, local politicians and boards, and other religious leaders. I have encouraged public discussion of the issue wherever I can.

**Mrs. Marland:** Can you see any advantage to having something formalized within the parish communities of all the denominations?

**Archbishop Garnsworthy:** No. You see, while we are busy sitting in parish halls, the horses go at a gallop past the window. It is just going to take place. While we talk endlessly in our parish halls, the government is going straight ahead with all this. It is far more important to press the government of this province to deal with this issue. I have said before, it is not a religious issue, it is a political issue not solved in our midst.

**Mrs. Marland:** I agree, but would you agree that in order to get the government and the other members of the Legislature aware of those meetings in the parish halls—would they not activate the public to make their opinions known to their elected members?

**Archbishop Garnsworthy:** Why does the government of this province not do a simple

thing: why does it not call together religious leaders of all kinds of groups and leaders in the public and independent school systems and put us all down in one place to have a conversation? That has never happened. Why can the government not get us to sit down and listen to what we all have to say? What I have to say may not be at all what people think, but we do not do this. We deal with people separately and in fragments, and we are never going to solve anything that way. I do not know whether you agree, Dr. MacDonald.

**Dr. MacDonald:** I do agree and I also want to say that this is not just the responsibility of Archbishop Garnsworthy or of church leaders. That is why there is a Coalition on Public Education, which comprises people from the community, people from the school system, parents' associations and churches. The Anglican church, the United church, the Presbyterian church and the Baptist church are all involved in it. So it is not just a matter for religious leaders, although it is primarily a concern of ours in view of the things stated in our statements.

**Mrs. Marland:** My question was not directed because I was suggesting it was just a responsibility of one church or another or, indeed, only of the churches, but I think the more groups that are involved the better. I do think, and I do respect the fact, that the spiritual leaders of this province have perhaps—I hate to say it—second to the elected government leaders, the next strongest body, the next strongest tool of power and influence over the people of this province. That is why I was asking you and trying to encourage you to try to organize that kind of vehicle of meeting.

I hope perhaps you would. I also hope the government will take heed of your suggestion at least to get these leaders and administrators of the churches together and listen to them.

**Mr. G. I. Miller:** We listened with interest, sir. We had a person in this morning, Peter Dyck, from the Saskatchewan Department of Education, where the system of full funding for separate schools already exists. It has been working there for many years now; as a matter of fact, since the province was put together. When we went over some of these concerns with him about how it was working there, there were indications that it was not divisive, that it was working quite well and there was no great problem.

**Archbishop Garnsworthy:** Where is this?

**Mr. G. I. Miller:** In Saskatchewan. I wonder whether, if we bring this out to be a religious

issue, which it very well could be, it could not be more divisive than trying to co-operate and make it work.

Our education system is preparing our young people for the future. I know you have mentioned jobs, but I think there was an article in the *Star* only this past week that said there were many thousands of jobs available in my part of Ontario, and I think maybe 10 people from Toronto applied for them.

I know they are agricultural jobs. There are good housing facilities there, sponsored by the province and by the government of Ontario, and these people are not seeing fit to try to look for those jobs. Maybe we should be educating our kids in a little competition to provide for the time when they come into the work field.

I am a Presbyterian and I got my schooling in Jarvis. We associated with both Catholics and Protestants. There was one, Red Kelly, who was a Catholic who got his education at St. Michael's here in Toronto, but I consider him to be my friend. I play ball with him. I can play hockey; I was not that good. I indicated he was my idol.

When it comes down to a religious point of view, I do not think that makes any difference. Our education is what we are concerned about for the future, and there has to be co-operation. Do you do not think we should be working in that direction rather than trying to be divisive?

**Archbishop Garnsworthy:** Of course, I agree with you. That is what we should have done before we got into this mess. We should have sat down and worked together and talked about it.

I have spent all my life with Roman Catholics. I am very fond of a great many of them. The point is that we did not have any of this discussion that you are talking about or we would not be sitting here spending endless hours trying to deal with this.

I am disturbed about the fact that you talk about young people in a sense that to me says they really do not want to work. I do not believe that.

**3:30 p.m.**

I believe there are 150,000 young people in this province who have no jobs, no hope of having a job, and I want to ask why we are spending \$80 million, or \$350 million, to put religious labels on people. That is what worries me. What we need is the means to put young people to work and an education that will help to do it.

**Dr. MacDonald:** I would like to make two comments with regard to that. One is with respect

to Saskatchewan. I was talking the other day with a person who taught in Saskatchewan, who told me, in connection with the exchange of teachers, there were non-Roman Catholic teachers in the separate schools and there were never any questions asked except about their competence as teachers. That was the only criterion that applied.

The other thing is that two days after Archbishop Garnsworthy and I had a press conference, which a few people might have heard about a while back, I was on the Canadian Broadcasting Corp. noon program. After that program, a man phoned me from an Ontario city and he identified himself as a Roman Catholic who regularly attended church, the father of seven children, who had come through the separate school system up to grade 10. He said it was the best thing in the world that happened to his children when they went to the public school for grades 11, 12 and 13, because for the first time they rubbed shoulders in that environment with their peers of other faiths and from other backgrounds.

**Mr. G. I. Miller:** I just want to make it clear that I am not saying our young people are lazy. I know they are not lazy. I have lots of faith in our youth, but they need direction. Again, I think if a Protestant had the opportunity of sitting in with the Catholics—I never understood the Catholic theology either, because we never had that opportunity—it can be a two-way street.

**Dr. MacDonald:** That is what they do in the public school.

**Mr. G. I. Miller:** I am concerned about the taxes and the paying of taxes. I am concerned about that as much as you are because I hate to pay taxes and waste our money also. Again, as was pointed out by Mr. Quinn, he has been paying double taxes for many years. Maybe he has been supporting the public system and paying for his private system, and if they were all in the system, you would be paying anyway.

I want to make one further point—

**The Vice-Chairman:** I would like to point out that this is a question period and not a debate.

**Mr. G. I. Miller:** No. I was not saying that. This morning we heard in the presentation that there is funding—

**The Vice-Chairman:** Please place your question and let us go on to the speakers' list.

**Mr. G. I. Miller:** —to the independent schools in Saskatchewan. Again, they seem to be doing quite well.

**Archbishop Garnsworthy:** That may be a matter of opinion.

**Mr. Jackson:** Your Grace, I should let you know at the outset that my mother is a Catholic and my father is a member of the United church, but I was raised in the Anglican church. I guess my religious upbringing was seeing more of a bridge than a battleground.

I am most intrigued by your initial statements in your brief, and I was quite fascinated by your statements about the Ecumenical Study Commission on Public Education in 1970. I am familiar with the period and my thought processes at the time, but perhaps you could help me to understand a little more clearly the basis on which you were discussing this whole issue of funding in the context of 1972. I pose the question because I see that you have raised as your reasons for reviewing whatever that decision was, the reasons that today stem from many economic concerns, restraint, recession, you have listed those.

Will you enlighten me as to what your position was then? We had a fair period of prosperity, limited youth unemployment or youth competition for jobs and few Catholics coming in from Third World countries. Could you help me with what was the basis on which you were examining the issues? It would appear, if they met again today, they would be the economical council or study commission, not the ecumenical one. What was the basis on which you were discussing it in 1972?

**Archbishop Garnsworthy:** In 1970.

**Mr. Jackson:** I am sorry, in 1970.

**Archbishop Garnsworthy:** It is hard to think back 15 years, but 15 years ago it was a different kind of situation. Ecumenically, it was a situation that basked in the warmth of Vatican II, which had taken place only six or seven years previously. There were all kinds of things happening ecumenically that made it possible to sit down and have a good deal of discussion. I have a feeling the climate in certain places has changed to a degree in those 15 years.

It was an era of prosperity. It was an era in which new schools were being built in all kinds of places. It looked as if prosperity would never cease. I think 15 years have made changes. No one stands still or is static. The way one thought 15 years ago inevitably has changed. I could not describe them all but one goes through that evolution.

**Mr. Jackson:** Let us clear it in my mind. You are saying there were significant economic considerations made by the ecumenical council at the time.

**Archbishop Garnsworthy:** We lived in a world that looked as though it would be prosperous for ever, as though every kid would go to university. Parents expected that. In 1985, we live in a world that is very different.

**Mr. Jackson:** Your position in 1970 was—please help me with what this was—you had indicated the funding should or could proceed under conditions?

**Archbishop Garnsworthy:** I do not think we questioned very much. I was 15 years younger for one thing. I had never been a diocesan bishop. I had never had to face the responsibility of looking after a whole diocese. One's viewpoint changes over the years as you move in different circles. I could not describe it all.

**Mr. Jackson:** If I might proceed with that line of questioning, the second element of change you have injected into the change in your position between 1970 and 1985 has to do with the statement, "Mr. Davis and his government also made statements which have subsequently been totally rephrased." Is it fair to say that, given there was a political party in this province that was clearly articulating an alternative position on separate school funding, that changed the climate? Did that give you any specific—

**Archbishop Garnsworthy:** Which party was that?

**Mr. Jackson:** Mr. Davis's party. Did that give any specific comfort to the notion of the probability of separate school funding?

**Archbishop Garnsworthy:** I do not know what the Progressive Conservatives did or how it all happened. There was no plan that I can see. It just emerged like the chicken out of the egg. On June 12, the statement was made. I do not perceive any previous planning because I have in my office a letter from Dr. Bette Stephenson three months previously, saying there were not going to be any changes. This was the way things were.

**Mr. Jackson:** What I meant was, back in 1970, when the ecumenical council study group was meeting, the position of Mr. Davis and his party was very clear at that time. Did that provide any particular comfort to the issue?

**Archbishop Garnsworthy:** It did not make much difference.

**Mr. Jackson:** If I can pursue a second area, you make reference to the issue of funding. It is clear your position is that it should not proceed. Do you feel this committee should recommend that funding only go to grades 9 and 10, which

are currently in operation, and that we stop funding for grade 11 to study the situation?

**Archbishop Garnsworthy:** That is what I believe should happen. The courts should be allowed to make their decision before grade 11 begins, but that is not what is going to happen. That is a conjectural question. Next Tuesday, grade 11 funding begins.

**Mr. Jackson:** Do you support the separate school system in grades nine and 10?

**Archbishop Garnsworthy:** No, I support the fact that we ought to have delay. That is what our bishops have said. We ought to delay. We ought to look at the whole educational spectrum, of which separate school funding is a part, but only a part. Until we do that, we should delay. I do not expect the committee to listen to that, but that is what I believe.

**Mr. Jackson:** Should this committee, if it is charged with the responsibility to provide the amendments to Bill 30, undertake within its mandate to amend this document for presentation to the House immediately to reflect the position of the common or allied school boards?

3:40 p.m.

**Archbishop Garnsworthy:** I cannot tell you what you should do about that. It would make sense to have allied school boards. It would make even more sense to have common school boards. I am not telling you what you should do. I am telling you what I believe, with which you may disagree.

**Mr. Jackson:** So you would not recommend that we proceed with that course of action at this time.

**Archbishop Garnsworthy:** How can I tell you what to do? You will do it in my absence.

**Mr. Jackson:** You are welcome to come back.

**Archbishop Garnsworthy:** Thank you. I have had one visit.

**Mr. Jackson:** We needed observers this morning. Thank you, Your Grace.

**Mr. Davis:** Archbishop, on the sixth page of your document, when you are talking about the model from New Brunswick, you state, "Unless, from the beginning, there is a large degree of common planning and joint decisions, we shall have created a divisive force in the life of the province."

Do you believe this process can occur and resolutions can be found without some general principles being enshrined in the piece of legislation known as Bill 30 that force people to

sit down and begin to discuss, understanding where we are now with Bill 30?

**Archbishop Garnsworthy:** If there is all this goodwill people keep talking about and it is just a couple of religious bigots who stand in the way, why is it not possible for that goodwill to extend to the creation of allied and common school boards? If we are exuding goodwill in this province, why not? It is the best time in the world for it to happen.

**Mr. Davis:** Thank you.

**The Vice-Chairman:** That is the briefest Mr. Davis has been in six weeks.

**Mr. Davis:** Yes.

**Archbishop Garnsworthy:** There are reasons for that.

**The Vice-Chairman:** I was not reading anything into it at all. It was simply an observation.

**Mr. Allen:** I think I am correct this time.

**Mr. Allen:** Yes, that is quite right. We may all read our own private readings into the situation.

First, let me say to Archbishop Garnsworthy and his colleagues and to the Very Reverend Clarke MacDonald and his colleagues that I sympathize with much of what they have said with regard to process.

It is clear that the leadup to the issue was problematic, but that was not, if I may say so, an entirely abnormal process in government, where a government takes a position on an issue and certain things follow by way of subsequent examination. All of us are very much aware that the parliamentary process as we know it is put in a very unusual situation when the three parties agree on a major policy initiative. It means that some normal occurrences do not readily happen.

I think you might also allow, gentlemen, that we found ourselves in a situation where a Premier who had announced a major initiative, and one assumed was going to carry it through, ended by resigning. All sorts of processes were thrown into disarray in the interval. Roles of implementation commissions even changed under the impress of that event.

I note that while Archbishop Garnsworthy has not used the language he used in April with respect to the process and while he has regretted the use of the comparison of two gentlemen in recent history—

**Archbishop Garnsworthy:** May I just say I never said that. You have read it or heard it.

**Mr. Allen:** I recall your remark.

**Archbishop Garnsworthy:** Can I get you to correct that?

**Mr. Allen:** You said, sir, that you were not making a direct comparison of the individuals. You were making a comparison of what happened in Hitler's Germany and what happened in Ontario.

**Archbishop Garnsworthy:** I said we had government by decree which resembled Hitler's.

**Mr. Allen:** Did you also say, sir, if I might ask you this question, this is how Hitler changed education in Germany, by exactly the same process, by decree? Are those your words? You are correcting the record as I go along here and I am not quite sure whether you will correct this other—

**Archbishop Garnsworthy:** I see no need to correct it. I think that is exactly what is happening in this province. In answer to your question, the people of Ontario have not been asked and have not been consulted. They have not debated or discussed this question in an election or in any other way. It has only been discussed with one minority group.

**Mr. Allen:** I heard you say that, sir, and I have heard you say it previously. I want to ask you, none the less, when you say "by exactly the same process, by decree," do you still hold that view, given that the policy announcement was made to initiate a legislative process in a parliamentary regime, where a commission was established to hold hearings, in which there was a legal system with courts of reference to which it could be appealed, and in which there was in existence an Ontario Human Rights Code and a Charter of Rights?

**Archbishop Garnsworthy:** It sounds nice, but it is still reasonably the fact that the people of this province have not been asked their opinion of this. It does not alter the position at all.

**Mr. Allen:** I see you are not answering my question.

**Archbishop Garnsworthy:** I am. I am saying the democratic process, in my view, has not been followed.

**Mr. Allen:** The process is not complete and what still exists in the process is part of the defence of democracy. If the decree was a problem and if it offended the charter, then the courts are there to remedy it. That is not exactly and precisely the process that took place in Hitler's Germany.

**Archbishop Garnsworthy:** Why do we not wait until the courts do this?

**Mr. Allen:** As I indicated, I am not defending the entire process as it happened. I am just

commenting on your own remarks on the situation and wondering whether you still hold to them.

**Archbishop Garnsworthy:** I maintain we have not used the democratic process in this. I maintain we have not waited until the courts have made their decision. I cannot say any more than that.

**Mr. Allen:** Are you saying the process available to people in this province is not different to what it was when Hitler made his changes in Catholic education in Germany?

**Archbishop Garnsworthy:** I am saying the democratic process has not been followed, in my view, and the people of this province have not been consulted.

**Mr. Allen:** Since you are repeating your answer rather than clarifying it, may I ask you further what your proposal would be with respect to the process that might properly be followed in a democracy where a substantial issue affecting a minority group is involved, an issue upon which, as history would suggest, emotions are likely to run high?

**Archbishop Garnsworthy:** Emotions do not need to run high. There was all kinds of goodwill to sit down together and to discuss it. That is still there and still possible, but that is the thing that does not happen. Why can the government not call together various groups to do just this? There is nothing to prevent that. We could do a positive piece of work in this province if we were prepared to do that.

I have said all the way through that I am not opposed to the funding of separate schools. I am opposed to the way it is taking place and to the process used.

**Mr. Allen:** I have tried to clarify your view of that more exactly and I failed just a moment ago.

May I ask you whether you feel there are any problems whatever in the use of a referendum with respect to the deciding of an issue affecting a major minority in a democracy?

**Archbishop Garnsworthy:** I do not know. You would have to ask someone who is—I think that is a legal question and I am not a lawyer. I think you would have to ask a lawyer that.

**The Vice-Chairman:** Could we let Dr. MacDonald reply to that question?

3:50 p.m.

**Dr. MacDonald:** I was just going to say that I have not heard Archbishop Garnsworthy say that he is calling for a referendum. I have heard him say that the process that was used did not involve

the people of Ontario to the degree it could have under our system of representative democracy.

Mr. Allen, you asked whether we could not have trust, since there are courts of reference and human rights codes. The problem is we are barrelling ahead without the courts of reference having given a judgement. That is what I hear Archbishop Garnsworthy saying, that is what I am saying and that is what the United church is saying.

As to the human rights codes, why can we not have blanket assurance, why could not Mr. Davis have said, the day he announced this and the other leaders applauded, "This will go ahead but there will be absolute, ironclad guarantees that the human rights of teachers and the rights of parents to send their children will be respected"? Why could this not have been part of his announcement? Then maybe we would not be here today.

When you say there are courts of reference we can trust, of course we can trust the courts. It is not enough to say that, if we are going to run ahead of them, and that is what is happening.

**Mr. Allen:** I think I conceded in the beginning the process was imperfect. There are few processes perhaps that are. None the less, they exist under the defences of democracy. That is what I was trying to get at in my initial question. However, I did not get an answer from Right Reverend MacDonald with respect to the issue of the referendum, which the coalition he belongs to advocates and which we have had advocated by a number of sources as a reasonable solution to this problem.

I do not think it is adequate for us to have an answer which simply says we should get some legal advice about the likely legal impact of a referendum on a minority issue. I think it is important that those who are advocating it tell us their feelings about the impact of using a referendum on a sensitive major issue affecting a major minority in a parliamentary democracy, and whether it is something one really should be responsibly recommending. That is the burden of my question.

**Archbishop Garnsworthy:** If you are asking me personally, I would be in favour of a referendum. I do not know the legal problems. I can only speak personally.

**Mr. Allen:** You clarified many of the points with respect to the ecumenical study commission, and I appreciate that. Of course, it is true times change and that, if you like, new occasions teach new duties, a hymn we have sung often in the United church. However, I think one of the

constant activities of the ecumenical study commission has been in the whole area of religious education in the schools, and there has been a lot of pressure put upon government with respect to that issue. In the course of our hearings, we have had many representations from a variety of groups on all sides of this issue, expressing their interest in seeing some policy activity in the ministry on that subject.

Perhaps you could tell us something, first, about your experience in attempting to secure programs of religious studies in the public system and, second, how much of your concern about the completion question would be either eliminated or qualified by the existence of such programs as, for example, the one we discovered worked quite nicely in the Carleton public board, the appointment of pastoral counsellors for children of various denominational backgrounds.

**Archbishop Garnsworthy:** I have said for years I do not want any return to the kind of religious education we had in the public system.

**Mr. Allen:** That is not the point.

**Archbishop Garnsworthy:** I think that is a caricature. I would be in favour of the possibility of a study of world religions and common moral values. I think that is possible in the public system if teachers are trained to do it, but the public system cannot, nor should it, do more than that.

**Mr. Allen:** Do either of you have you anything to tell us on the former part of my question, about your experience in attempting to secure this? Were you directly involved in the commission during the years it attempted to do that?

**Dr. MacDonald:** The representative of the United church on that commission has been advocating what is referred to by him as "values education" for some time, and that would imply things the archbishop has just said and about which you have been speaking.

**Mr. Allen:** I understand there is some activity in the department right now around the issue, but I am not sure what the results will be.

May I just simply conclude by saying, with respect to the definition of "bigot" in Ontario today, we have found that remarkably few people have come forward using that kind of language in the committee. Now and then it has happened, but it is rare. I hope we will all get away from trying to define and redefine the word and use it in the proper sense, and I hope very few of our

compatriots in this province indulge in that unfortunate aberration.

**Mr. Offer:** I have read the brief and listened to your words today. I am having a problem in trying to see what your position is with respect to the matter at large. I do sense from your presentation a deep and abiding sense of the education system in Ontario. Indeed, that is a something we have heard from many people over many hours in many different regions of this province.

I would like to ask a very specific question revolving around page 5. You have alluded to certain serious questions with respect to accessibility, guarantee of employment and parallel systems. I would like to ask you directly whether it is your belief that we have or have not been concerned with those particular questions ourselves?

**Archbishop Garnsworthy:** Here in the committee? Do you mean the committee?

**Mr. Offer:** Yes.

**Archbishop Garnsworthy:** I do not really know because this is the first time I have visited your committee. I do not know all the things you have done or said.

**Mr. Offer:** You have alluded to certain serious questions to be answered—three very serious questions. From your following of the work of the government, the Legislature and the committee, I assumed you had made some decision or have some opinion as to whether we were dealing with these questions. I was wondering if you have been, in so many words, following the goings-on, the many hundreds of briefs, the many hours of presentation, the painstaking work by so many people in the province.

**Archbishop Garnsworthy:** I do not think that is possible. I have been absent for part of the summer. I do not know where the committee is on all of that. Only you know that as a committee. I do not know that. Do you know, Dr. MacDonald?

**Dr. MacDonald:** I am sorry. I was engaged in a conversation here. What is the question so that I can respond?

**Mr. Offer:** The archbishop alluded to three particular areas on page 5 that are, in his opinion, very serious questions. I wanted to assure him that we in this committee believe they are serious questions. We have heard many representations from many different people throughout Ontario concerning their very valid views on these

particular questions and have been greatly moved with respect to impact.

**Dr. MacDonald:** I have picked that up from the media—not all of that. Certainly, like Archbishop Garnsworthy, I have not been here and obviously cannot be here. I think the nub of the matter is in the letter from one separate school board in one of the districts in the Lakehead, which you can find in my submission there. If this committee would say “No more of that,” then I could say yes, certainly you have heard about it and you are dealing with it. I am sure you have heard it. It has been in the press that you have heard it.

4 p.m.

**Mr. Offer:** It is in fact heartening to hear that, because as I recall, on August 13, at approximately 10 o'clock and thereafter at approximately 11 o'clock on that same day, the Lakehead District Roman Catholic Separate School Board, followed by the other board, indicated there had been a joint committee, and there is great co-operation now between the boards.

I am not quarrelling with respect to the letter, but it was indicated in their very able brief. I thank you for that particular answer.

**Archbishop Garnsworthy:** May I ask a question? You speak of the Lakehead District Roman Catholic Separate School Board. Does the committee know whether that school board has removed from the bottom of their hiring form the statement: “I understand that I have made application to gain employment with a school system based on Catholic truths, principles and values. Should I gain employment, I agree to publicly support the school system and to maintain a lifestyle and deportment which is in harmony with its teachings”? Has that been removed?

**Mr. Offer:** At this point I would have to go past my briefs, of course, but I was just—

**Archbishop Garnsworthy:** Because nothing you say makes any sense if it has not.

**Mr. Offer:** I do not know if that is necessarily correct. What I am saying is with respect to—

**Archbishop Garnsworthy:** What I want to ask is whether we are going to allow these kinds of declarations to be part of the system. Are separate school boards going to be able to demand this kind of statement? You tell me the Lakehead district is just wonderful. I wonder about that when I read this.

**Mr. Offer:** Are you asking that question with respect to designated teachers declared redundant?

**Archbishop Garnsworthy:** No. I am asking whether that declaration has been removed by the Lakehead separate school board.

**The Vice-Chairman:** I do not want to get into a debate about specific school board policies. One of the issues this committee is going to come to grips with on Bill 30 is the whole issue of how teachers are treated in the extended school system. It would be inappropriate, I think, for members of this committee to prejudge the decision this committee will make. Otherwise, it would make a farce of the public hearings we are going through right now.

**Ms. E. J. Smith:** You have said repeatedly that your problem is with the process and that you would like to see more people sit down and discuss it together. Have you given consideration to the fact that the process involves people sitting down in their own school areas? The situation is so different in so many areas that this sitting down and discussing together is imperative because they must come to an understanding before they approach the province for funding. Are you aware that the process does involve this sort of sitting down and discussing together, but in smaller groups?

**Archbishop Garnsworthy:** Oh, yes. It sounds lovely. The problem is that if you say they should do it everywhere, they will do it nowhere. If no real leadership is given by government and other leadership groups in the province, it is not going to happen locally. It is like the fact that you can worship God everywhere, so you worship him nowhere.

**Ms. E. J. Smith:** In fact, many groups are sitting down together—in my own community, for instance.

**Archbishop Garnsworthy:** That is a good thing, but I still believe it needs strong leadership by government and by other groups.

**Ms. E. J. Smith:** At least part of the process here is seen to give room for local differences, and that is why the groups in local areas are encouraged to sit down together. I think it is important that it be understood how much communication and sitting down together is going on in the process.

The other question I wanted to raise is that you have said you are opposed not to separate school funding, but simply to the process. Yet on page 4 I find your statement, "A generation of youth needs to be trained to live in a pluralist, secular, technological society and, in my view, fostering old religious divisions in education will not solve that matter." I have no problem with your being

opposed to further funding of separate schools, but it would seem to me this sentence implies you do have a position rather than that you have none.

**Archbishop Garnsworthy:** I say that is a primary issue. The funding of separate schools, to me, is a secondary issue. If we can do all these things and if we can raise enough money to finance underfunded public education well and give it enough funds to work with and if we have money for separate schools and independent schools, fine. I am not against any of them. I just do not know where it is all going to come from.

**Ms. E. J. Smith:** This sentence does not address funding at all.

**Archbishop Garnsworthy:** It may not, but I now address it.

**Ms. E. J. Smith:** It addresses the principle.

**Archbishop Garnsworthy:** How are we going to pay for all of this, Ms. Smith?

**Mr. Reville:** This is supplementary to Ms. Smith's first question. I wonder if the archbishop has had an opportunity to look at some of our agendas at the committee.

**Archbishop Garnsworthy:** No, I have not seen them. I only know that I was to come today. I would be very glad to see them.

**Mr. Reville:** I am sure you would be interested to know the agendas. For instance, yesterday's agenda involved several groups, some of which were from Etobicoke, North York, Scarborough, St. Michael's College, Northumberland and Newcastle Boards of Education, the Peel Ontario Secondary School Teachers' Federation, the Ontario English Catholic Teachers' Association from Dufferin-Peel. Groups of people are sitting down and discussing this all over the province.

Were you aware that this committee has now heard about 600 deputations?

**Archbishop Garnsworthy:** No, but to me, it does not matter whether you have heard 2,000. The point is the process is going ahead, no matter how many you hear. What I am opposing—

**Mr. Reville:** Surely you would agree that part of the legislative process is occurring in this committee.

**Archbishop Garnsworthy:** I do not know what is occurring in this committee. I have no idea. I only know that I was asked to come today.

**Dr. MacDonald:** I would like to say that I have a great deal of empathy for the task this committee has, but to say that this discussion is taking place, we also have to ask, "It is taking place in the light of what?" It has taken place in

the light of the fact that this is going to be implemented next week. Is it not? It is taking place in the light of the fact that, unless I misunderstand the process, the bill has had second reading. Right? What is the third reading? Some amendments are possible, but frequently not likely. So what are they discussing?

**Mr. Reville:** It is clear that there is some misunderstanding about the legislative process. Indeed, the presentations which have been made to this committee have suggested literally hundreds of amendments to the legislation we are examining. What has happened, surely, is that the bill has had second reading, but the bill is not law. About what will happen next week, you may want to ask that question to the minister. But clearly this legislation is not yet before the House in its final form. I am sure that as we listen to the comments and the concerns of members of this committee, there are likely to be a great many amendments suggested to the legislation as it now is before us.

**Archbishop Garnsworthy:** But this is a strange business, when that which is not law can now proceed.

**Mr. Reville:** It is a process that has been developed over about 800 years of parliamentary tradition, sir.

**Archbishop Garnsworthy:** May I say this is a strange democratic process. While there is no legislation and the question is before the courts, the thing is implemented. I must live in a dream world. I have never understood democracy in that way.

**Mr. Reville:** I think our worlds—

**Dr. MacDonald:** I see the minister is here, and I would like a clarification of this myself. It is repetitious to say it, but to put it in context, I see this as beginning next week, and yet you say there are going to be hundreds of amendments.

Suppose the amendment is that the whole process is ultra vires the Constitution. Then what?

**The Vice-Chairman:** Do you have a specific question you are asking?

**Dr. MacDonald:** I am asking the minister a question in the light of the fact that the process begins next week, the changes take place next week. We are told there will be a third reading of the bill and there will be amendments made then. I know all that. However, in the light of that happening, how does it begin next week in a legal fashion? Down the road, three months from now, if you find out that many of the major decisions

made have been wrong, what is going to happen then?

**4:10 p.m.**

**Hon. Mr. Conway:** Let me say the government has made a decision to proceed on a number of fronts. The first was to introduce the legislation, as we did on July 4, then to refer the matter to this committee, to refer the bill to the Ontario Court of Appeal and to provide for those young people who have acted in anticipation of a secondary separate school program being available for them in September 1985. We have done this on the basis, and on very good legal advice, that this initiative is constitutionally sound. That is the position I have enunciated in this Legislature and in this committee.

**Dr. MacDonald:** What if you find out it is not?

**Hon. Mr. Conway:** As a government, we have made a determination and we have exercised our best judgement. As the committee has discussed and debated on previous occasions, we expect to be vindicated by the Court of Appeal. If that court judgement is something other than we expect, obviously we will have to look at it very carefully at that time. Let me repeat, we feel very confident that this initiative is not just right and proper, but constitutionally sound.

**The Vice-Chairman:** Mr. Davis has a supplementary. I am not sure what the precedent is for a supplementary question to a delegation, but none the less we will allow it as long as we do not go on too long with supplementaries.

**Mr. Davis:** It has to do with the initiation of funding of separate schools, as I understand it from one of the papers this morning. I was under the impression the funding starts September 1 and I believe the minister has indicated the funding does not start September 1. Perhaps he could clarify that for us.

**Hon. Mr. Conway:** The government has indicated it will flow funds on an interim basis to the separate school boards that have received approval by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario and by myself as Minister of Education to offer secondary programs for 1985-86, and that the way in which those funds will be flowed is through the general legislative grant regulation.

As you know, Mr. Davis, the general legislative grant regulation flows funds to school boards from time to time over the course of a school and calendar year.

**Mr. Davis:** Does that take an order in council?

**Hon. Mr. Conway:** According to my officials, an enabling order in council is required to bring about the changes that will be required, as announced by me on July 4.

**Mr. Davis:** Would that come before September 1?

**Hon. Mr. Conway:** At this time, I do not expect that will be before the executive council before September 1.

**The Vice-Chairman:** There is a final supplementary from Archbishop Garnsworthy.

**Archbishop Garnsworthy:** This is being very naive. I listened to the Minister of Education. I want to check. I do not know why we bother to have courts if we can second-guess it all and are already fairly certain it is all constitutional. We might just as well not have the courts meet on this. I find this a very strange form of dealing with justice in the courts.

**The Vice-Chairman:** And your supplementary question is?

**Archbishop Garnsworthy:** That is all I want to say.

**Hon. Mr. Conway:** I want to thank the two gentlemen for their presentation today. I have had the pleasure of having met with them some weeks ago to discuss some of these questions. I just want to say for Archbishop Garnsworthy's benefit that, make no mistake about it, this government and this minister feel very strongly that this initiative is constitutionally sound.

We have said that, and while we believe that, we recognize there are some in the community who do not agree. Therefore, as a matter of policy, we have said that while we believe it to be not just right and proper but constitutionally sound, we are going to give those who believe it is not so their day in court. I think we have exercised clear judgement on that account and that matter will be dealt with by the Ontario Court of Appeal some four weeks from now. However, make no mistake about our feeling as a government about the soundness of the constitutionality of this question.

**The Vice-Chairman:** I thank the minister and Dr. MacDonald and Archbishop Garnsworthy. All of us as politicians admire your ability to answer questions, Archbishop Garnsworthy. We will take a five-minute adjournment and reconvene at 4:20 p.m.

The committee recessed at 4:15 p.m.

4:25 p.m.

## SPECIAL COMMITTEE OF FORMER SCHOOL TRUSTEES

**The Vice-Chairman:** If we could get started again, the next presentation is by the Special Committee of Former School Trustees, represented by Mr. R. Argyle. This is brief 542. Welcome to the committee. Do you want to proceed at your convenience?

**Mr. Argyle:** Yes, thank you. The signatories to our presentation are individuals who have served at some time during the past 10 years as trustees of the board of education within Metropolitan Toronto. While not now holding school board office, the members of this Special Committee of Former School Trustees continue to share a strong interest in the educational welfare of the children of Metropolitan Toronto and of Ontario. For this reason, we have joined together in support of this brief.

Members of the special committee appreciate the opportunity of making this presentation today.

The concept of providing public funding to Roman Catholic secondary schools in Ontario in 1985 is an idea whose time has passed. The proposal to divert public tax moneys to the support of education programs conducted under religious authority has been presented as a fulfilment of certain guarantees extended to Roman Catholics under the British North America Act of 1867.

It is true that society's concept of education has changed vastly in nearly 110 years. However, the clear direction of Canadian society over the past century has been towards the elimination from public policy of discriminatory measures based on such factors as religion, race and sex, in favour of the creation of mechanisms recognizing the pluralistic and multicultural characteristics of our nation.

The most compelling historic force for the realization of equality, justice and the preservation of individual freedom has been the public education system which was drawn up in Canada over this period. The public school systems of this country, including that of Ontario, have made a contribution of inestimable value in the development of our democratic and egalitarian society.

Canadian society has flourished in an environment in which the separation of church and state has been recognized as a basic principle of public life in spirit and tradition, if not in law.

The members of our committee accept without reservation any and all rights granted to groups within Canadian society as spelled out in the

British North America Act, including the right of Catholics to maintain a separate system of elementary education. It may be relevant to point out, however, separate "coloured" schools in Ontario also were sanctioned by legislation at the time of Confederation, but this distinction was wisely withdrawn as the province matured into the multicultural and multiracial society it is today.

At this point in the history of Ontario, we cannot accept the creation of a dual secondary school system as an initiative either consistent with, or countenanced by, the British North America Act.

Ontario's priority in education at this time should be to deal with the remaining unmet needs of our young citizens. This can be done by recognizing the requirement of more specialized education programs for children with learning difficulties, better programs for the gifted and additional studies appropriate to a higher level of vocational and technical achievement, along with the further development of science, mathematics and languages, and enhanced education for citizenship and personal development. These many needs are with us at a time when local school boards are coping with the challenges of declining enrolment and endeavouring to fulfil the government's directives in respect to new compulsory courses.

#### 4:30 p.m.

It is our conclusion that the provision of public funding for Roman Catholic secondary schools, rather than contributing towards the above goals, will more likely be counterproductive to their realization by diverting scarce educational resources into separate systems.

For this reason, we regret we cannot comply with the declared purpose of the standing committee to discuss only implementation of the government's proposed policy rather than the appropriateness of the policy itself. We believe the policy to be counter to the best principles of fiscal responsibility, educational governance and the public interest of the people of Ontario.

We contend a number of basic issues need to be resolved before any consideration is given to the method or form of implementation of Bill 30.

The constitutional question: There is no need for us to elaborate on the constitutional doubts surrounding the government's proposal to provide public funding to Roman Catholic secondary schools. The government, wisely in our opinion, has chosen to refer this question to the courts.

Clearly, it would be a violation of logic and good sense, a lack of respect for the integrity of the courts, to proceed with the commitment of public funds and the transfer of students until such time as this question has been settled at the highest judicial level; namely, the Supreme Court of Canada.

Therefore, we respectfully request that the standing committee recommend to the government of Ontario that Bill 30 be withdrawn pending a final resolution by the courts of the constitutionality of the bill.

The consequences of two secondary systems: We believe the imposition of a Roman Catholic secondary school system will be divisive and socially counterproductive and that it will promote prejudice and distrust now and in the future.

The separation of young citizens of Ontario into two distinct educational systems throughout their entire formative, adolescent years, until such time as they are ready either to enter the job market or assume enrolment in institutions of higher learning, cannot help but adversely affect our future ability to maintain a tolerant and socially cohesive society.

As a number of presentations to the standing committee have shown, the ability of two secondary school systems to deliver comprehensive educational programs of high quality to all students will be jeopardized. There is a particular concern that a financially impaired public system may be left with the responsibility for the most costly types of programs: certain special education, vocational, technical and science education programs.

The fact that government programs usually require far more money than originally estimated is a well-demonstrated fact of Canadian life and needs no support or comment here. We understand the original estimate of the government of Ontario, as stated by former Premier Davis, was that public funding of Roman Catholic secondary schools would cost the taxpayers of this province an additional \$40 million per year.

We understand further that the Minister of Education has estimated the cost to be in the order of \$80 million for funding of grade 11, \$130 million for extension to grade 12 and \$150 million annually thereafter. Additionally, the figure of \$67 million for renovations and improvements to facilities has been authoritatively stated. These figures provide a total of \$427 million over a three-year period.

Further, the Metropolitan Toronto School Board has estimated it will lose \$71 million per

year, much of which will have to be made up by other revenue sources.

It is very difficult to arrive at detailed financial forecasts when the figures from the ministry and government are subject to frequent change and lack of adequate supporting information, as has been the case to date. However, common sense and an appreciation of fiscal prudence lead us to the conclusion that, with estimated costs already at the levels I have mentioned, the real cost is likely to approach \$600 million over the next three years and \$200 million per year thereafter, for a total expenditure of \$2 billion in the next 10 years.

We submit that spending of this magnitude, if it is to be added to the already considerable tax burden on citizens of the province, would be better committed to other programs. Let me mention a few.

1. Improvements and enhancements to existing educational programs, especially special education: \$50 million.

2. Adult education, especially to overcome the economic and social costs of adult functional illiteracy: let us spend \$10 million per year there.

3. Provision of day care to some 150,000 children throughout the province, using the physical facilities of the public and separate school systems: we think \$40 million could be well invested in that area.

Those three examples total \$100 million per year.

In view of these alternatives, we recommend that the standing committee urge in its report to the Legislature that a cost-benefit study be conducted of the proposal to extend public funding to separate secondary schools. Such a cost-benefit study would clearly measure the expected cost against the educational benefits to Ontario, with the result that the citizens of this province would then be in a position to make an informed judgement on this important matter of public policy.

One of the most widely expressed concerns about Bill 30 relates to the likelihood of other religious groups or special interests demanding equal treatment in the use of public funds to support religious or private schools. We share these concerns. We caution the standing committee against setting in motion a chain of events that will ultimately lead to the public school systems being reduced to the delivery of educational programs to only the very poor or to the nonreligious minority.

We contend that the operation of a school system inspired by adherence to religious objec-

tives is fundamentally inconsistent with the obligations of a publicly funded, publicly accountable school system. Unless Ontario is to end up with two public school systems, one in which religious instruction is not permitted and the other in which religious instruction is optional, we predict great difficulty for the Roman Catholic secondary system in maintaining its integrity and values.

Public money will fundamentally change Roman Catholic education. Either non-Catholic teachers and students within that system will have to be denied their rights or the true principles of a Catholic education will be undermined. We believe the former option is as unacceptable to Ontario society as the latter must be to the Catholic community.

The present difficult situation in which Ontario finds itself in this matter represents a fundamental failure of the democratic process in this province.

We recognize the right of members of the Legislature, as our elected representatives, to enact such laws as they see fit and later to be held accountable by the electorate. We believe our democratic traditions have been offended, however, in that the three political parties represented in the Legislature have failed to encourage a full and open debate, either within the parties or among the public at large.

All parties failed to give this matter the attention and prominence it deserved during the recent general election. As a result, it cannot be assumed that members of the Legislature have a mandate from the people to proceed with this policy.

We, therefore, recommend that any vote on Bill 30 in the Legislature should be treated by the leaders of the parties as a free vote, not subject to party discipline, and that in the next general election candidates should be freed from party discipline to express their points of view in accordance with their consciences, so a fuller and more accurate expression of public opinion will be thereby encouraged.

I would like to observe that this brief has been signed by 23 individuals who, as I said earlier, have served as public school trustees on boards of education in Metropolitan Toronto during the past few years.

**Mr. Reville:** Thank you very much for your brief. Could you tell me how your committee came to be formed? I note that all the former school trustees are in the Metro area.

**Mr. Argyle:** Our effort was confined solely to Metropolitan Toronto, purely as a matter of time limitations.

**Mr. Reville:** Did your committee have meetings?

**Mr. Argyle:** Yes, we had a meeting and we canvassed and made phone calls and secured the support you see here today.

**Mr. Reville:** All 23 of the names listed have agreed to be signatories of the document?

**Mr. Argyle:** I can assure you they have.

**Mr. Reville:** Are you aware that some of the addresses are incorrect?

**Mr. Argyle:** That is possible.

**Mr. Reville:** I know one of them is at least eight or nine years out of date.

4:40 p.m.

**Mr. Argyle:** I must say I worked from old records. While we were able to confirm with each of these individuals, I must admit, within the pressure of time as a voluntary activity, I can not necessarily guarantee all the addresses are correct, but I can assure the committee the brief is supported by all the names entered here.

**Mr. Lane:** I certainly appreciate what you have been saying in your brief here and I support a considerable amount of it. I am curious about the very first paragraph, which says, "The concept of providing public funding for Roman Catholic secondary schools in Ontario in 1985 is an idea whose time has passed."

Can you elaborate on that? When did it pass?

**Mr. Argyle:** I think that statement stems from our conviction that Ontario society has changed tremendously over the past century, as the world has changed. We felt it is not appropriate to attempt to argue, as we have heard argued, that funding should be provided for secondary education simply on the grounds that 100 years ago funding was provided for elementary education. I am sure you are aware of that argument.

**Mr. Lane:** We are very aware of it.

**Mr. Argyle:** We feel that is not a relevant observation. We feel the nature of our society has changed very dramatically over the past century. Witness the fact that there was legislation at one time providing for coloured schools.

We feel in the society we have today, where there are clearly remaining unmet needs for young people in the schools, where there is a tremendous demographic shift to a rapidly increasing elderly population, the priorities of our society economically, for example, are not well served by the added expenditure of public funds in the creation of redundant educational systems for a particular age group.

**Mr. Lane:** You feel then that basically we should not be sitting here talking about it now because its time has passed. We did a lot of talking about it 14 years ago in the 1971 election.

**Mr. Argyle:** Yes.

**Mr. Lane:** Had the time passed then?

**Mr. Argyle:** Yes, I think perhaps it may have.

**Mr. Lane:** Do you think it was redundant even then?

**Mr. Argyle:** I think in many ways it was. In that instance, as I understand it, the issue was clearly put to the people of Ontario by one party and clearly resisted by another party. Admittedly, it was not perhaps the chief determining factor, but I am sure it was a factor in the outcome of that particular election.

**Mr. Lane:** Do you really believe that, even though an election was maybe won or lost on it, it was still redundant at that point?

**Mr. Argyle:** I do not think the election was won or lost on that issue, but I suspect it was probably redundant at that time too.

**Mr. Lane:** Thank you very much.

**Mr. Villeneuve:** Your brief is excellent. On page 9 you say: "Public money will fundamentally change Roman Catholic education. Either non-Catholic teachers and students within that system will have to be denied their rights or the true principles of a Catholic education will be undermined."

We have had public funding to grade 10 for a considerable period of time. It is my understanding that many Roman Catholic boards do have non-Catholic teachers and that public boards have Catholic teachers. Do you feel that as it now stands the separate school system is undermined?

**Mr. Argyle:** Is undermined by the administration or the funding?

**Mr. Villeneuve:** By the fact that it is collecting public funding.

**Mr. Argyle:** I cannot say that it is because I do not know from personal knowledge that it is. However, it would seem to me that problems will be created by the infusion of substantial additional public funds at this point. We have a clear expression of major concerns by teacher groups and other organizations within the community. I am sure we have—indeed, I know we have—a recognition by members of this committee and by the government of the very sensitive matter of the maintenance of individual rights within a publicly funded system.

I would expect there are going to be situations where Catholic school boards are going to be

sorely pressed to maintain what they, I am sure, must regard as their essential values in an environment where inevitably there is going to be a good deal of pressure to accept non-Catholic students, to deal with the issue of whether those non-Catholic students are to be exempted from religious instruction, to accept non-Catholic teachers and to deal with the issue of whether or not the lifestyles of those teachers are going to be tolerated if those lifestyles do not conform with the religious dogma of the church.

I think it is going to be very difficult. I do not presume, obviously, to speak for Catholics, but it would seem to me very difficult to maintain the ethical values of a system when, in the kind of environment we have today, there is going to be the glare of public examination that goes with the infusion of substantial new amounts of public money.

**Mr. Villeneuve:** We are faced with declining enrolment, and probably this is as much a factor in the concerns of the teachers as full funding. We are speaking of only three grades at most and, in the future, possibly only two.

It is of concern to me. I realize the separate school system wants to retain its catholicity. I believe the system will have to be more open. It is certainly one of the mandates of this committee to ensure that the rights of individuals are protected as much as possible and, in the general overall outlook on the situation, to ensure we still have a separate system. Probably the biggest job this committee has is to attempt to reconcile those two rather difficult situations.

I appreciate your addressing them and I thank you for your advice.

**Mr. Argyle:** If I may just add something, you asked me whether the system is currently undermined by public funding. I guess my observation would be that under the present circumstances the Roman Catholic separate school boards do seem to be able, by and large, to maintain the various types of restrictions on student enrolment, on the types of teachers who are employed and so forth. I question whether they will continue to be able to assert that kind of individuality after additional public funding is received.

**Mr. Villeneuve:** It is a major dilemma faced by this committee, as it is being faced by the government.

**Mr. Allen:** Just very briefly, with respect to the latter point, we have heard a lot of testimony about the presence of non-Catholic teachers and non-Catholic students in existing separate school systems. By and large, the weight of the

testimony seems to be that there has been almost no demand for exemption from religious studies, that the attractiveness of the system appears to be to those who already want to get something that is legitimately there and who then respond appropriately. Our sense of this issue is that, while it has some problems, obviously, and there are some dilemmas, none the less, we have some good evidence on the subject.

You refer to a cost-benefit study that we should undertake in order to gauge the benefit of Ontario moving or not moving in this direction. It is an intriguing prospect and it was one that was often thrown at educational institutions, to justify themselves with cost-benefit studies. You no doubt have heard that time and again.

What puzzles me, quite frankly, and maybe you can help me with this, is how you do a cost-benefit study on an issue where so much subjectivity is involved in the evaluation of the alternative routes of public education, which has its very big mythology built around it, and the separate system, which has a very clear, distinctive mission and value-system orientation. It clearly depends on where you sit in two communities how you come out on a cost-benefit study. Is there any way of getting around that by weighing the benefits?

**4:50 p.m.**

**Mr. Argyle:** I think it is important that whatever decision is made should be an informed decision, whether it be by the electorate or by the members of the Legislature. I believe a cost-benefit study could be directed at the educational cost-benefits. I realize, of course, that there are social and religious implications that some would regard as beneficial and others would regard as not beneficial.

Our group's concern was that we should have some assurance that there will be a net educational benefit to Ontario by the allotment of this additional money to the field of education. Will the young people of Ontario derive additional and beneficial educational opportunities? Will they experience programs and instruction not now available to them? Will there be an educational benefit? If there will not be, we should know that and then make our judgement.

**Mr. Allen:** I wonder how one weighs into a cost-benefit analysis the significance of the fact that under a completely funded Catholic system, children will be able to move through the system without going through a break in their mid-teen years, which is obviously a problem in relationships.

**Mr. Argyle:** I think educationally it has to do with that.

**Mr. Allen:** Educationally, that is a significant question, is it not?

**Mr. Argyle:** I think it is. I think educationally that could be measured. Obviously, it could not be measured from a religious or social point of view.

**The Vice-Chairman:** Thank you for coming before us. I can speak as a former trustee as well that cost-benefit is something trustees have been trying to come to grips with in the system for a long time. I am not sure they have and I am not sure they ever will.

Our final brief this afternoon is brief 539, Mr. Joe Noonan.

#### JOE NOONAN

**Mr. Noonan:** I feel as if I am dancing, but the orchestra has gone home.

**The Vice-Chairman:** I do not think any of us feel like dancing.

**Mr. Noonan:** I do not know whether I should sit in this seat or not.

**Mr. Reville:** Your shirt might turn purple.

**Mr. Noonan:** I want to thank the committee for affording me this time, especially on such a lively afternoon. I am from the St. Catharines area and I thought maybe I could beat the traffic, but I had forgotten about this. I am not going to get to Jim Bradley's barbecue this evening.

This afternoon I am here to speak as a Catholic parent who has sent six children through a Catholic high school at quite a financial strain for all concerned. Fees, uniforms, textbooks and transportation have cost me close to \$30,000 to educate my six children in what is often referred to as Ontario, the province of opportunity, which I heard Archbishop Garnsworthy speak of so often this afternoon.

I spent the best two years of my young life overseas during the Second World War, committed to the principle that everyone in our province and society was equal. It is too late for my children, but I do not want my grandchildren made to feel like second-class citizens in a province they call home.

Approximately 50 per cent of my yearly school tax goes to support empty seats in the public high school in my city that my children have never attended. In my case, this year this amounts to roughly \$500. I have heard a lot today about justice. I ask you, is this justice? Can you imagine how much I have paid over a period of years and have derived nothing from it?

In another area of taxation, let us consider Bell Telephone, Ontario Hydro, public transit. We as Catholics support these facilities too, yet we receive no corporate assessment to speak of.

Briefs from teachers' organizations such as the Ontario Secondary School Teachers' Federation, and many other organizations which I have heard, have been primarily concerned with the welfare of teachers. What about the students? To attend a Catholic high school, many must take part-time jobs during the school year to assist their parents, enabling them to attend the school of their choice. This deprives a great number of these students from participating in after-school activities, which I might say are so vital in the life of a high school student.

Many of these students are shunted into overcrowded portable classrooms out in muddy school yards where the teacher-pupil ratio is 31:1, while their counterparts in public high schools in some areas enjoy a lower teacher-pupil ratio of 14:1, especially in technical schools.

It all means fewer new books or school trips, less up-to-date gym or lab equipment, fewer teachers with a heavier load and less cash for program development. It means more ticket and chocolate bar sales and, in the end, it means digging more deeply into the pockets of those same parents who are already enduring great financial hardships.

Two of my children never saw the inside of their Catholic high school, which is Denis Morris in St. Catharines, other than an overcrowded cafeteria, for their first six months there. Their school of some 1,600 students had 18 portables on its grounds. Last year, during inclement weather, many students suffered unnecessary illnesses.

In conclusion, I would like to state that Bill 30 is a necessary and enlightened response to an escalating need. It will correct a historic injustice and finally guarantee educational equality to a major segment of young people in our province. Now is the time to correct this injustice that has existed for 120 years.

**The Vice-Chairman:** Thank you very much, Mr. Noonan. Are there questions from committee members?

**Mr. Reville:** Mr. Noonan, thank you for coming down from St. Catharines to speak to us today. Obviously the cost of sending your six children through the separate school system was a burden you gladly took on, but perhaps a burden all the same. Could you explain why you decided to have your kids go to the separate high school, even though it cost you \$30,000?

**Mr. Noonan:** Yes. I attended both systems. I wanted them to go to the Catholic high school because of the atmosphere that permeates throughout the entire day. Denis Morris high school in St. Catharines is operated by the Holy Cross Fathers. I was very concerned that they get a good discipline. I left a public high school to attend a Catholic high school and was quite pleased when I finished. I wanted the youngsters to enjoy the same privilege. That is basically why I sent them to Denis Morris high school.

**Mr. Villeneuve:** Mr. Noonan, you are a concerned parent who has quite obviously lived and suffered under some financial stress for what you believed.

In Bill 30, with which we presently are attempting to deal, are you concerned about the so-called catholicity of the secondary system when full funding is implemented, assuming it will be, and the reservations and riders that go along with Bill 30? I would like your candid observations.

**Mr. Noonan:** Yes, certainly I am concerned. This gentleman just asked me why I sent my youngsters to a Catholic high school in spite of great financial stress for my wife and my entire family. If I thought it was just going to be a public high school type of education, I could have saved that money; I would just send them up the street. My concern with the principles we had in our Catholic high school is that they be maintained.

I found some of the comments this afternoon very amusing and confusing, because in this Catholic high school, Denis Morris, close to nine per cent of the teachers are non-Catholic, which includes heads of departments.

**Mr. Villeneuve:** Did you say 90 per cent?

**Mr. Noonan:** No, nine per cent. The student population is perhaps six per cent non-Catholic. So I would not want to see a great upheaval because you would be defeating something we have had in place for 120 years. It is obvious a lot of people want to continue with this type of education. It is quite a financial hardship for people who are paying for a dual system. In one area, we are paying out and we receive nothing back from it. If you are going to talk about justice, fairness, and so forth, that is the one area that perhaps bothers me most. I have no say over that \$500 I am going to be sending out to the public high school this year. I am educating, you might say, empty seats where my youngsters have never attended. My last boy just finished grade 13 at Denis Morris high school this year.

**Mr. Davis:** You stated there were non-Catholics in the position of department heads in your school.

**Mr. Noonan:** Yes.

**Mr. Davis:** Would you as a Catholic parent have any problem with having a non-Catholic as the principal of your school?

**Mr. Noonan:** I am pretty flexible, but I do not know whether the federation would be.

It is like voting. I think you should vote for the individual because he is a good person, as I have often done, rather than voting for the party.

**Mr. Davis:** If a teacher teaching one of your grandchildren in secondary panel took part in an anti-abortion rally downtown locally, was picked up on television and his picture placed on the front of the paper, how would you feel about that?

**Mr. Noonan:** I would be pleased, because that is something our Catholic religion is opposed to. If that individual has that within herself and that is her feeling, that is fine. But it is like a person who wants to go out and drink and so forth. That is his privilege; that is his right. But if a principal of a high school were found rolling down Ontario Street in St. Catharines, I do not think that is what people expect.

**Mr. Davis:** As long as that person did not go into a classroom and state that this was the only way, you would have no problem?

**Mr. Noonan:** No.

**Mr. Allen:** A couple of the questions I wanted to ask have been asked and I have the answers I wanted, but perhaps I could just ask a question in connection with education taxes that arises from a lot of sources these days.

There are a lot of people out there who feel, as singles or as grandparents or as seniors who do not have children in the system, they get nothing out of the system even though they have put a lot of money into it. I would appreciate your comments on that. I know what you are saying about having put all this double money into the public education system and having derived nothing from it. I presume that when you go downtown you meet kids who have been educated in the public school system and, if they can do their mathematics at the till, then you benefit. I just wanted to clarify that point.

**Mr. Noonan:** I derive nothing personally.

**Mr. Allen:** As a family, directly.

**Mr. Noonan:** Yes, directly.

**Mr. Allen:** I see. Okay.

**Mr. Villeneuve:** It was stated today that we may be creating an élite system of education, one that is using public funds for a Catholic school system and the other system. Do you feel this

would occur? What are your thoughts about that, having spent considerable money to put your children through the separate system up to grade 13?

**Mr. Noonan:** No, I do not see it that way. It is the same thing in other circumstances. Your wife does not always shop at Simpsons, does she? She probably goes to Eaton's once in a while. You do not always go to Shell to get your gasoline; you might go to Esso. I think you have to have a choice.

For parents, it is obvious that this is happening today with their Catholic high schools. Even after 1971, when the funding did not come through, there was no decrease; there was an increase. The people want it, and I am talking about people who can probably just afford to get by. They are scraping in order to give their

youngsters the benefit of receiving a Catholic education.

**Mr. Villeneuve:** So in your opinion we are not creating an elitist system; it is simply a dual system. One would be oriented towards religious teachings, the other would not.

**Mr. Noonan:** That is right, and that is a choice the people should have.

**The Vice-Chairman:** Thank you very much for driving all this way. I hope the traffic is not too heavy on the way back.

**Mr. Noonan:** I appreciate the opportunity to come. Thank you. You are doing a great job.

**The Vice-Chairman:** Thank you. I will see everyone tomorrow morning.

The committee adjourned at 5:05 p.m.

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No. S-31

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Thursday, August 29, 1985  
Morning Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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**Chairman:** Johnston, R. F. (Scarborough West NDP)

**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

**Substitution:** Ward, C. C. (Wentworth North L) for Mr. Smith

**Clerk:** Mellor, L.

**Staff:** Nigro, A., Research Officer, Legislative Research Service

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, August 29, 1985

The committee met at 10 a.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

#### TORONTO BOARD OF EDUCATION

**The Vice-Chairman:** The first presentation this morning is from the Toronto Board of Education. Welcome back to the committee. Please proceed to introduce your colleagues.

**Ms. Moss:** Thank you. I am Penny Moss, chairman of the Toronto Board of Education. On my left is trustee Ann Vanstone, our vice-chairman, and to my right is Dr. Edward McKeown, the director of education.

Before we begin our presentation, I would like to tell you what you have in front of you. It was our understanding that you would have received our documents, but I know the kinds of pressures under which you are working, so you may not have seen them.

We have produced a submission in what now is three parts. First, you have a bound copy of our submission together with a bound copy of appendices which we believe contains important additional factual information about the Toronto school system.

What we are going to do this morning is provide you with a summary, and we have provided that right now as a written presentation. That is what we will deal with. However, I would like to point out that we will deal with questions from any part of our submission or questions you want to put to us that have been raised by other delegates.

We appreciate this opportunity to appear before your committee. We hope you will find the comments, suggestions and criticisms that we have to make to be constructive ones. In response to your mandate, we will devote most of our time to a description of the practical, logistical and legal difficulties of the changes contemplated to the Education Act, changes which we believe will be very great for the public school system.

However, since the effect of fully funding the Roman Catholic school system is to produce a profound shift in the philosophy that has guided public policy for education for the past 150 years,

we believe it is crucial to articulate our understanding of the purposes of public education and the impact which the extension of funding could have on these purposes.

By now you have heard from a large number of boards and other interested parties from across this province. For you to understand our concerns, it is important for us to place the Toronto board firmly in the context of this particular city and the metropolis and to impress you with the unique and frequently difficult conditions which we must face as educators in Ontario's urban core. First, let us point out some of the more dramatic facts of our existence.

From a newly designated city in 1834 with a population of 9,000, the city of Toronto grew to a peak of 700,000 people in 1971. By 1976, however, a pattern of population decline was evident, bringing with it all of its attendant problems for the school system. Five years later, in 1981, the Toronto city population was down to just over 600,000 from its previous high.

The schools across our system have had to ride this roller coaster of peak and decline with what grace they could muster. Just one statistic might put the last 15 years into perspective. In 1971 we had 420 portable classrooms on the school-grounds of this city; this year we will have only 91. The removal of that number of portables from our sites is the equivalent of closing 20 average-sized schools in this city.

Not only has there been a dynamic population growth pattern in Toronto, but this city has experienced dramatic changes in its ethnic composition over the years as well. In 1871, 95 per cent of the population was of British ethnicity. By 1981 that percentage had dwindled to 34 per cent.

At this point I would point out that when you read the appendices, there is a pie chart produced by Statistics Canada on this question and it is wrong. The 1981 figure for those of British ethnicity is, as I have just said, 34 per cent.

The balance of the population in this city is now composed of an astonishing number of other ethnic populations from around the world. A 1983 survey of our grade 9 students showed that, in addition to English and French, our students spoke 62 other languages as their first language.

**10:10 a.m.**

One of the major strengths of this board is its ability to respond to a multi-ethnic, multicultural, multilingual and multireligious community. As a 1975 Toronto board publication observed, "We are all immigrants to this place." Ten years later that simple statement is still profoundly true. Close to one half of our students speak a language other than English or French as their first language when they enter our schools.

Along with changes in ethnicity have come shifts in the mix of religions in Toronto, to which this board has responded with sensitivity and with consultative support from religious groups. The volume of Readings and Prayers, first produced by the board in 1980, provides a useful way for students and staff to share and respect the religious variety of our communities.

I labour these points because one of the great stories in public education in North America has been told here in the city of Toronto. The Toronto Board of Education is both proud of its record and acutely aware of the need for rigour and vigilance in applying not just the letter of the law but the spirit of the ideal of public education for all the residents of this city.

Naturally, the Toronto Board of Education is greatly worried when legislation threatens to place any part of its system in jeopardy. Like many before us, we cannot simply trust the government to meet Premier Davis's assurance that the public boards of education will not suffer any loss of support as a result of a decision to extend funding. It is incumbent upon us all to interpret, analyse and criticize the proposal with vigour in order to uphold the great traditions of public education.

In the spirit of such vigorous appraisal, we will review the issues that have arisen as a result of the June 1984 decision and identify our concerns with the proposed legislation.

**Mrs. Vanstone:** The Toronto Board of Education welcomed the news that the question of the constitutionality of Bill 30 will be referred to the Court of Appeal, for it believes this issue must be clarified before legislation is passed. We urge the government of Ontario to delay the implementation of extended funding until its constitutional validity has been determined.

This position is not an abstract one taken on principle only; it is, in fact, also very pragmatic. Educational policy, which is set by politicians elected expressly for that purpose, must grow from firm constitutional ground. To proceed with setting policy in a climate of disputed constitutional rights and limitations is unwise and will

certainly lead to legal challenges at some time in the future. It is only with the clarification of constitutional rights and limitations that the appropriate policy alternatives become clear.

Before we leave this subject, we note in passing that testing the legal validity of a proposed act may become common practice in education in Ontario. We have Bill 82 and French-language governance, and it looks as if it may become a trend.

The Toronto Board of Education has responded to the three commissions set up by former Premier Davis in recognition of the enormous impact of his decision. Before we summarize our position on these three commissions, we are compelled to point out that not one of these commissions has a mandate to examine the role of the public school system. We find this omission a serious one. We submit that the development of a fully extended Roman Catholic school system alters the assumptions upon which public education has been built.

After Premier Davis's announcement, the Toronto Board of Education urged the Premier to establish a commission of inquiry into: (1) the purposes of public schools; (2) the extent to which current legislation restricts the ability of public education to respond to the legitimate interests of all groups in society; and (3) the conflicts that may exist between the rights and interests of parents and those of a democratic society. We continue to believe that such an inquiry should be instituted immediately.

Notwithstanding the position adopted by the Metropolitan Toronto School Board and the other five area boards, the Toronto Board of Education decided to co-operate with the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario and with the Metropolitan Separate School Board. We wish to remind the standing committee that coterminous public boards of education are required to provide information about facilities, personnel and enrolment projections in a form prescribed by the commission as the impact statement, appendix G.

Contrary to some assumptions that we have heard, the public board is not asked to approve or support the expansion of plans of the coterminous separate board; it is asked only to provide information to assist the planning and implementation commission in making recommendations for approval to the minister.

Perhaps the committee has noticed that the impact statements were to be signed by directors

of education and do not require board approval. Indeed, we wonder about the significance of the impact statement to the planning process, when approval of the extension of plans of the Metropolitan Separate School Board proceeded in the absence of impact statements from six of the seven coterminous public boards.

Certainly, this board's involvement with the whole planning and implementation process has been an exercise in uncertainty and frustration. The seven public school boards in Metro are bound together by provincial legislation which, among other things, mandates joint collective agreements covering the number of teachers, their salaries and their benefits. Trying to develop ways to deal with such things as the designation of surplus teachers has been impossible in the absence of the other boards and federations.

Similarly, the transfer of facilities belonging to a Metro-area board cannot be arranged without the direct involvement of the Metropolitan Toronto School Board. In our brief, we have emphasized the unique two-tier education system in Metropolitan Toronto and the complexities of, among other things, staff redundancies for member boards.

We would simply say to you now that the addition of a second publicly funded secondary system in Metropolitan Toronto, with its attendant necessity for protecting the jobs and rights of staff and the possibility of strong negative effects upon programs, both in secondary schools and in continuing education, will demand extraordinarily sensitive arrangements if all staff are to be treated fairly and students are to continue to receive the level of program they currently enjoy. We do not see, and have not seen to date, extraordinarily sensitive arrangements established either within the mandate of the planning and implementation commission or in the bill itself at the present time.

Finally, we would note that section 136n of Bill 30 gives the planning and implementation commission very broad powers indeed. This board believes that there should be provision for appeals to the government in such sensitive areas as the transfer of facilities.

On the matter of public funding of private schools, the subject of the second commission established after Mr. Davis' announcement, this board is firmly opposed. In addition to the many particular and nonuniversal aspects of private school programs, private schools can be selective about the students they enrol, a condition

diametrically opposite to the guiding principle of public education.

We are also concerned about the ironic possibilities. It is not a real concern, but it is ironic that a Roman Catholic school could, in privatizing its grade 9 and 10 in order not to jeopardize its independence under Bill 30, find itself eligible for public funding under a different set of arrangements as a private school.

On the subject of the financing of education, the brief submitted by this board to the commission looking into the matter was acutely aware that full funding of a Roman Catholic secondary school system would have enormous impact on the shape of public education in the province in the years ahead. While the programs which we offer our students are our prime concern, we cannot deliver them without adequate fiscal resources.

While we recognize that Mr. Davis's announcement contained an assurance that the public school system would not suffer as a result of full funding to the Roman Catholic system, we are not reassured. Currently, the level of provincial support which the Metropolitan Toronto School Board receives for education is well below 10 per cent and, at the present rate of decline, will vanish completely within two years. There will be no provincial funding to Metropolitan Toronto public schools after two years if it continues as it has been going.

This board urges an immediate return to a provincial funding level of 60 per cent and an eventual phasing-out of property taxes as a source of education funding.

**Ms. Moss:** We are now at the centre of our concern, that is, Bill 30, as it may affect the education of our students.

**10:20 a.m.**

The provision of education in any system depends on three intimately interconnected factors: program, staffing and enrolment. Any shift in one factor will affect the others. If enrolment declines, so does program registration, thus triggering changes in staffing needs. Therefore, we will speak to all three of these issues.

Enrolment is the most significant factor in determining the range of programs that can be offered at the secondary level. We are very concerned that the extension of funding will add further to the negative impact on our programs already occurring as a result of declining enrolment, changing patterns of students' subject choice, and the new compulsory subject and diploma requirements of the Ontario Schools, Intermediate and Senior Divisions guidelines.

Enrolment in Toronto secondary schools peaked at 37,000 in 1976 and has decreased by an annual average of 355 students since that time. Projections made prior to the consideration of the possible impact of extended funding predict an annual average decline of 840 students for the next five years.

The present percentage of Roman Catholic students in Toronto secondary schools overall is 32 per cent. While the distribution of these students is uneven geographically, it is not surprising that by program they tend to cluster in our technical, commercial and basic level programs, these being the programs the present Roman Catholic system does not offer. Our collegiate programs have a 22 per cent Roman Catholic enrolment, while our basic, technical and commercial programs have 45 per cent Roman Catholic enrolment.

While the loss of students to the separate school system will affect all our programs, it could seriously diminish enrolment in those three. While we are unaware of any formal plans at this time, we expect the Metropolitan Separate School Board will wish to expand its range of programs over the next few years to include further technical, commercial and basic course offerings.

We must point out that for some years the Toronto board has been trying to cope with the impact of declining enrolment. As we experience a slow but steady erosion each year, the task becomes more difficult. This decline is the result of several factors, some of which affect the Metro separate board as well as the public boards. Most school boards across the province, and those in many countries throughout the world, have felt the effects of a declining birth rate. In addition, immigration patterns change and movement in and out of areas of jurisdiction often accelerate and decline in the city as a result of availability of affordable housing.

We are especially worried about our schools that offer technical programs. These programs are particularly expensive to develop and run. The equipment is expensive and in Toronto we strive constantly to keep up to date with technological changes. The Toronto Board of Education believes the only way to prevent such programs being destroyed is to continue to be the sole provider of the program, offering it to the Roman Catholic board on a fee-paying basis. We would co-operate fully in facilitating such an arrangement.

The whole question of the calculation of fees is a matter of serious concern to us. At present,

students from separate schools are enrolled primarily in high-cost programs, as we have already mentioned. Fees "calculated in accordance with regulations" do not cover the real cost of these programs. Unless public school boards are to be expected to subsidize fee-paying students from separate school boards, this section and/or the regulations must be changed. These comments apply to several sections of Bill 30.

Before we leave the subject of secondary school enrolment, we would like to point out a potentially serious problem in the application of section 136o to Roman Catholic students in the city of Toronto. At the present time, because the public boards are bound together through the Municipality of Metropolitan Toronto Act, students of the other public boards have open access to schools in the city of Toronto, provided program and accommodation are available. This arrangement is possible because the Metro board and all the public boards share the fiscal responsibilities.

Once Catholic taxpayers are supporting secondary as well as elementary schools, they will no longer be part of the Metropolitan Toronto School Board. Should they wish, as well they might, to send their children to public secondary schools under subsection 136o(2), those students will be relegated to second-place status on their own local public school waiting lists behind students of other public boards in Metro.

This is not a manufactured scenario, especially for some of our schools on our city's borders. They have a long waiting list of out-of-city students. Since under Bill 30, access to secondary school is subject to appeal it is critical that the standing committee understand this situation which is unique to Metropolitan Toronto.

We have, as have other delegations, felt great concern about the question of adult education. We join with other groups in wishing to assure ourselves that the growth, range and quality of our adult education programs will be protected under Bill 30. Under section 136a, which empowers a separate school board to perform the duties of a secondary school board, we anticipate serious problems which will lead to fragmentation of services. The needs of the adult population for continuing education may then not be met by either school system. It is our view the potentially horrendous implications of this aspect of Bill 30 have yet received little consideration.

The Toronto board's various programs in adult and continuing education serve more people in total than do our secondary day school programs.

Early next month we will carry out the registration of more than 30,000 adults who have chosen our courses. The passage of Bill 30 will require the determination of tax support of each one of these 30,000 people in order to calculate the fees, if any, to be levied.

Is the separate school board under any obligation to purchase programs for its supporters who wish to attend continuing education? If so, is such obligation determined by the nature of the program such as adult literacy and basic education credit programs? What about general interest courses? Are the arrangements or decisions subject to appeal to the commission?

**Mrs. Vanstone:** In the crucial area of staffing, this board is deeply concerned that its teaching and support staff not suffer as a result of the proposed extension of funding and all our comments are made in that light. We realize the committee has heard some very detailed presentations on this matter, especially by federations and unions and we will try to limit our remarks to statements of principle.

While most of our comments will deal with teaching staff since it is they who are most immediately affected by the proposed changes, we are also aware that changes in enrolment and funding levels will affect our ability to provide support staff as well.

As you are by now well aware, the Metropolitan Toronto public education system is more complex than any other in the province due to the presence of the two-tier system. This is certainly true in the case of teacher employment. Teachers in the six Metro area boards must bargain jointly and the area boards are not able to establish their own levels of staffing. The same is not true, we note, for the Roman Catholic system.

Section 136l of Bill 30, the section that deals with teaching and other staffs, has been carefully reviewed by this board. In our brief we have a number of questions about its subsections and we would refer you to them. We would like to highlight subsections 8, 9, 19 and 20 at this time.

Subsection 136l(8), which deals with the termination of staff made redundant as a result of enrolment shifts to the Roman Catholic board, is not specific enough. If the individual so made redundant is not eventually employed by the Roman Catholic board, who pays and for how long?

It is here we must point out clear conflict between what we still call Bill 127, which contains amendments to the Municipality of Metropolitan Toronto Act and which constrains the number of teachers we may employ, and the

proposed Bill 30. The conflict comes about in this way: if public school boards are going to be required to keep surplus teachers on staff as indicated in this subsection, arrangements will have to be made to provide for these positions above and beyond the number of teachers mandated by Bill 127. Otherwise we will be placed in the ludicrous position of having to fire, under Bill 127, a classroom teacher whose program qualifications match the need we have to deliver program and, under Bill 30, to keep a teacher whose program qualifications do not match the need we have.

**10:30 a.m.**

Subsection 136l(9), which deals with the reasons a teacher designated for transfer to the Roman Catholic board may not transfer, does not indicate whether these reasons include refusal on religious grounds. We think it must so indicate and that the determination of who pays for this classification of redundant teacher must be made.

Subsection 136l(19), which speaks of nondiscrimination on the basis of creed has been mentioned by many delegates. Like them, we find this word vague and unspecified. This is a crucial question with human rights implications and needs unequivocal solutions.

Finally, on subsection 136l(20), we join others in our concern that our teachers transferred to the Roman Catholic school system, by reasons of redundancy in the public board, not simply be able to advance monetarily, but that they have equal right to promotion in the Roman Catholic system. We would therefore change the word advancement in this subsection to include the concept of promotion.

We share with many previous delegations a concern about the "mix and match" of qualifications of teachers who become surplus to a public school system with the qualifications needed to teach programs in the Roman Catholic system. At any given time there are a number of factors contributing to specific program enrolment and the possibility that our surplus may not meet their needs and program specialty is great. One factor we would mention specifically in this context is the need for equal opportunity in employment and the very real possibility that since, unfortunately, women as a group continue to have less seniority than men as a group, they will most likely be statistically the first to be affected by declining enrolment.

The data we have gathered under our affirmative action policy, which was established in 1977, on the distribution of men and women in

our work force shows that while we significantly exceed the provincial average, we have not yet attained equality. This goal is difficult to achieve in a work force with the stability of tenure such as school systems traditionally enjoy, but we do intend to achieve it. In so doing, we will now have to face the additional factor of increased rates of enrolment decline in the near future, a condition which further decreases job opportunities.

What is clear after all "mix and match" factors have been taken into consideration is that some teachers will still be out of a job. At this point, there are two practical options open to a school board; retraining programs and early retirement incentive plans. We believe the province should assume responsibility for the costs of retraining a teacher who is surplus to the needs of both school boards. For those teachers who cannot in any reasonable way be retrained, an early retirement incentive plan should be developed which would relieve taxpayers, either provincial or local, of the responsibility of paying salaries to such teachers for an indefinite period of time.

As we are on the subject of contract terminations, we would like to point out that contrary to statements made earlier to this committee by other delegations, the Toronto Board of Education has had some hard experience in the past with having to fire a very large number of teachers. In 1972-73, we lost 3,300 pupils, and in 1973-74, we lost another 1,900 pupils to the separate school system, this enrolment shift having been brought about primarily by active recruitment of Roman Catholic students within the Italian and Portuguese communities in Toronto.

As a result, by 1977 this board was forced to fire 159 probationary elementary teachers. In 1978, we fired 34 permanent and 105 probationary elementary teachers and 24 probationary secondary teachers. More than 300 of those firings, by the way, were very real. Very few of those teachers were rehired.

We now move to a few short comments on the potential problems involved with the transfer of real property. Above all else, public boards of education must meet their obligations to provide excellent, freely accessible education. This obligation, we submit, is to the future, as well as to the present. Populations and tastes in education wax and wane, but buildings stay put, and it is the position of the Toronto Board of Education that its property should be leased and not sold.

In the case of facility transfers, we would like the right to appeal directly to the government

should a decision of the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario not be satisfactory to us. It seems to us self-evident that neither the province nor the separate school system should profit from any transfer of property originally paid for by public school taxpayers, and we would like to see assurance of that in the proposed legislation.

There are four situations where we have specific queries regarding the transfer of facilities:

1. If a school, which has been built, as one of ours has, solely with funds raised from local taxpayers, is to be transferred to the Roman Catholic board for use or ownership, is there allowance under present wording for adequate compensation to the public school board?

2. How would proposed legislation deal with the interests of the federal government in the transfer of schools built with a significant percentage of federal money?

3. The same can be asked if capital funds were contributed by the city of Toronto towards construction in our schools of such projects as community rooms, gymnasiums and swimming pools. How would the city be compensated should a transfer take place?

4. This board has a number of schools located in parts of the city where sites may be very valuable as redevelopment sites. How does this legislation propose to deal with the possibility of windfall profits for the separate school board should such a site be sold on the market after being transferred to the Roman Catholic system?

**Ms. Moss:** Before I sum up, I would again like to bring to your attention the larger submission of the Toronto board in which we elaborate on some of the suggestions and concerns we have raised and in which we list the various positions of this Toronto board with respect to such matters as governance and funding of education in Metropolitan Toronto, and in which we ask this committee to seriously consider the question of a unified school system in Ontario.

As indicated at the outset, most of our presentation and in fact our larger brief has dealt with practical difficulties of trying to implement Bill 30. We wish to conclude by touching briefly on the history and purposes of public education in Toronto.

Much has been said before this committee about the history of education in Ontario. Much of that history is a history of Toronto's schools. The school now known as Jarvis Collegiate Institute, opened in 1807. It was known then as

York's Home District Grammar School and it served a community of 500 inhabitants. Now the school flourishes in a city of more than 600,000.

Central Technical School, a school of high reputation for excellence in technical and applied education, opened in 1891 in the Stewart Building, which is now part of the Ontario College of Art. Harbord Collegiate Institute, opened in 1892, and it has throughout its history served the children of newcomers to Canada and provided the fulfilment of the promise that Canada held out to its immigrants. Castle Frank High School opened in 1963 and represents another phase in our development, a response to the need for skilled workers, to make education available to all and to provide programs for young people going immediately to work.

The history of the Toronto board is one of vigorous debate about the purpose of schooling. It is one of leadership and innovation. This is the school board which appointed the first woman principal in Ontario, which opened the first kindergarten class and where the first teachers' association began. We believe our race relations and affirmative action policies were firsts for school boards in Ontario and our policy of nondiscrimination in employment remains the most extensive of any board in Ontario.

It should be obvious that changes in the nature and expectations of society that require changes in education will first be recognized in our large urban areas and in particular in Toronto. The Toronto board invariably responds to such changes and expectations in advance of government policy, a situation which contributes to the long-standing tension between local and central government.

The Toronto board has seen its purpose as providing for the educational needs of all. It maintains that the greatest single institution of a democratic state is a wholly public and wholly accessible school system. Until former Premier William Davis announced his government's decision to allow Roman Catholic separate school boards to offer secondary school programs, this notion was fundamental to Ontario's education law, policy and practice. But no longer are we to have one public school system for all. We are to have full denominational system for Roman Catholics who choose it, and a public system for everyone else.

We want assurance that our superb system of public secondary schools will continue to be provided, open and wholly accessible to the students of Toronto today, tomorrow and as long as this province shall last.

We thank you for this opportunity to put our concerns before you, and we will be pleased to answer any questions, with the assistance of our director.

**10:40 a.m.**

**Mr. Davis:** I promise to treat my colleagues from the Toronto board with the same graciousness with which I treated my archbishop yesterday.

**Mr. Reville:** You had better stop talking now.

**Ms. Moss:** We planned it so it would not be too bad today.

**Mr. Davis:** That is right. I could not help noting—and I say this tongue in cheek—the abolition of the Metropolitan Toronto School Board and the ending of Bill 127.

I understand your problem with Bill 127 and I have already raised it. From my own perspective, and I think I can speak for my party, I would not want to see the teachers who are redundant because of the extension of the funding be part of the surplus concept that derives from how we deal with surplus teachers who are redundant to the system. I tried to get assurance, but was not able to, that in the Metro area, which is completely different from any other area in this province, there would actually be another list of those teachers who were redundant because of the extension. I will be looking into doing something about that.

**Ms. Moss:** You will find in our brief something you might like to look at, to which the director has given a lot of thought, which is the notion of the slip-year concept, so that we could actually deal with real figures rather than speculate.

**Mr. Davis:** I would like to ask Dr. McKeown a couple of questions about the transferring of teachers and staff. One of our concerns on this committee is how it occurs, and you did raise the mix-and-match point. The Metro board and its coterminous boards are quite aware of the difficulty we have in that area.

Suppose there is a math teacher who has 10 years' seniority. He has been teaching math for 10 years, his certificate allows him to teach the intermediate senior division and he is a generalist, which means he can teach from nine to 13. On his certification he also has a history recognition, but he has not been teaching history. The coterminous board is looking for a history teacher. In your opinion, does that person, who wishes to volunteer, qualify to move across on his certification?

**Dr. McKeown:** As you knew when you asked, that is a very difficult question to answer.

**Mr. Davis:** That is why I asked it.

**Dr. McKeown:** What happens in the way in which staffing is accommodated in the Toronto board and throughout Metropolitan Toronto is that you have very large and very complex staffing meetings. You decide what teachers are needed within your system, going school by school and subject by subject.

The teacher you described could end up being surplus to the Toronto board as a math teacher and, even though he has not taught history for years, end up being placed as a history teacher somewhere in the system, bumping out and making surplus a person who had been teaching history all along but did not have the amount of experience.

The difficulty we have in deciding who would be surplus or redundant or whatever term you want to use under the proposal in Bill 30 is that we really will not know until probably September 30 exactly who will actually be surplus to the needs of the Toronto board. When you add to that the complexities of the Metro arrangement, where we share our own surpluses and redundancies, it is very complicated for one board to try to decide at any time before September 30 whether or not an individual is surplus.

We believe very strongly that in Metropolitan Toronto, at least, the legislation has to deal with positions and then deal with people in accordance with the slip-year concept after September 30. There is no point in dealing with projections in the spring and having the realities in September be quite different.

**Mr. Davis:** I assume from your statement that this teacher is qualified. Therefore, because it seems to me this committee is looking very favourably on a process by which teachers in the public board could volunteer to move across to the coterminous separate board, that teacher would qualify to teach that program. What happens if there are two people volunteering to move across the panel and the other is a history teacher who has four years' experience. Which one of them goes? Who selects?

**Dr. McKeown:** The Metropolitan Separate School Board has currently hired nine teachers from the Metropolitan Toronto School Board. All have been volunteers and if they are, it is not our decision to make. It is a twofold decision on the part of the teacher who has voluntarily applied and the MSSB on which one it would choose to hire.

It is interesting that one of the things on which we have not been able to get agreement with the Metro separate board has been our position that, of the nine teachers who have left us voluntarily, only two could actually be described as surplus to our needs. We will have to replace the other seven in some way. A teacher is surplus to us only if we do not have to hire to replace him or her after he or she has left us to go to Metro separate or anywhere else.

**Mr. Davis:** I will pick that up in a minute.

If several teachers indicate they are prepared to volunteer to move, and there are more volunteers than positions, as the director of the Toronto board, do you believe it would be your responsibility to decide which ones should go across the panel, or is it the separate board's right to interview all those teachers? Assume for a second that four are math teachers, they need four math teachers, and they say to you they will take two of them.

**Dr. McKeown:** If they are volunteers, then the selection among them will be made by the separate board. The difficulty will be the question of whether teachers so hired will relieve the separate board of its obligation to take teachers made surplus by the extension of funding.

As I indicated a moment ago, that is a question on which we have not been able to agree. One of the reasons is that, in the Metro arrangement, the question is whether our taking a surplus teacher to fill that vacancy, say from Etobicoke or North York, relieves the separate board of its obligation, or whether because we cannot fill that vacancy from our list of surplus teachers in the Toronto board, there is still a vacancy or surplus position existing at that point.

The difficulty of not being able to involve the other area boards in Metro in this discussion has made that question impossible to answer.

**Mr. Davis:** The Metropolitan Separate School Board went out and advertised and hired and put you in the position of having to hire additional staff to cover those programs. Furthermore, I understand it did so without the approval of the minister or the planning and implementation commission.

**Dr. McKeown:** They hired nine of our people and about 35 from the public boards across Metro. The initial hiring was done among people who had applied to them without advertising. The advertisement appeared the Monday following the approval by the Minister of Education (Mr. Conway) of the plans from a number of boards around the province. We do not yet have

any knowledge of any of our people applying as a result of the advertisement.

What concerns us about that advertisement is that it contains none of the caveats, none of the protections we felt were going to be built in, based on our earlier discussions, such as preference being given to surplus teachers of the public school boards in Metro or the protections built into the draft legislation about salary and so on.

10:50 a.m.

**The Vice-Chairman:** If we amended the legislation to cover volunteers, under the Toronto situation we would have seven teachers who transferred as volunteers that you had to replace but they would be guaranteed your higher salary grid and all the protections even though you had to hire other teachers to replace them. Would not that be a rather strange way of proceeding with staffing a school?

**Ms. Moss:** I would not like anybody to think for one minute there is a nice, clear direction to go on these cases. You are going to have to come up with some rather weird arrangements to make these kinds of things possible. It is not all logical.

**The Vice-Chairman:** After seven weeks of hearings, we know that.

**Ms. Moss:** Some of us wonder why you did not know it before the hearings.

**Dr. McKeown:** Every time a new piece of education legislation is put in place in this province—unless, like Bill 127, it is designed specifically to deal with the unique problems of Metropolitan Toronto—those of us in Metro always have to say the legislation has not taken into account the uniqueness of Metro. The response we always get from the Ministry of Education is, “We are providing a piece of legislation for the whole province.” We recognize the difficulty in dealing with our uniqueness and, frankly, it may well be that this will have to be dealt with in some way other than by amending the legislation.

Our concern is that a jurisdiction that currently provides public education for 25 per cent of the students in the province will have a lot of difficulties in trying to make the legislation work. Without any kind of debate about whether the legislation should be there at all or not, my concern as a senior staff person is trying to make it work. I can say to you honestly that I have a lot of difficulties in believing the legislation can be made to work in Metropolitan Toronto in its present form unless there is some kind of understanding involving the ministry, the plan-

ning and implementation commission and all eight boards in Metro—seven public and one separate school board—and that we can work out our own arrangements in order to enable it to work in Metropolitan Toronto.

**Mr. Offer:** With respect to this volunteer system, are you suggesting that there be a pool of teachers whom you have decided are subject to voluntarily crossing, as opposed to all teachers being open to voluntarily crossing, to the separate board? I question whether you wish to restrict the voluntariness. When you indicated that of the nine teachers who did volunteer, of whom only two were surplus, in your terms, there were seven new positions now opened up, new positions, new teachers and what not. I would like to get a clarification with respect to the expansion of this voluntary transfer.

**Dr. McKeown:** As far as we are concerned, talking about volunteers, our position would be that if the Metropolitan Separate School Board is going to advertise for teachers, we would make those advertisements widely available within the school system and anybody who wanted to apply for one of those positions could apply. That has been the situation historically. There has been some movement of teachers from one board to another, particularly in highly specialized areas.

The crunch will come when you have to decide whether or not such a voluntary transfer represents a position that relieves the separate school board or the province of its obligations under the legislation as it is currently drafted. There is no thought in our minds of any kind of restriction on volunteers. If they want to go, if they think they would prefer to teach there or can get a better job there, they are perfectly within their rights to apply.

**Ms. Moss:** The crunch comes, as the director indicated, only because a promise, a commitment, has been made not just on a position basis but to people whose jobs become redundant. The only concern we have about a voluntary system is how will the people whose jobs disappear, and who may not be the volunteers, be protected and who will be responsible for them?

**The Vice-Chairman:** Mr. Allen has a supplementary. We will get back to you, Mr. Davis.

**Mr. Allen:** This happens to all of us from time to time as the supplementaries build up. You never know whether it is more efficient to do it with a supplementary or with your own list of questions but sometimes it initiates redeveloping a train of thought.

I would like to clarify what you said, Ms. Moss. You are saying that if we move from the notion of designated persons to designated positions, the problem you have been labouring over with us essentially disappears. Is that correct?

**Ms. Moss:** There are two kinds of problems. One is we can identify surplus positions. We can say, "We do not need X welding teachers, music teachers," or whatever it would be. Then we want to know how to protect the people. It is a mix-and-match problem of the people's qualifications with the qualifications required by the separate board. The transfer of students does not mean they will taking the same things in the other system.

**Mr. Allen:** They have to work out their position problem too, and then comes the personnel matching.

**Ms. Moss:** We are most sympathetic to the volunteer position. We think it is better that teachers be able to choose where they will teach.

**Mr. Allen:** Is your problem distinguishing between the general hiring of the Roman Catholic separate board and the special hiring under this arrangement under Bill 30, whereby there may be volunteers who simply respond to a general advert that says they need certain people but, on the other hand, there is a specific number of positions you have lost that people can volunteer into? Is your problem distinguishing between those two categories of teacher-applicant to the other system?

**Ms. Moss:** We are saying that if, through an advertisement and a volunteer, the Metropolitan Separate School Board hires an English teacher from the city of Toronto and we have to replace that teacher, we do not believe the MSSB has fulfilled an obligation to a surplus position from the public board.

**Dr. McKeown:** May I give two real-life examples? On our list of nine teachers who have voluntarily moved to the separate board, we have a teacher of computer studies. We will have to replace that teacher. We are not going to find a surplus teacher of computer studies anywhere in Metropolitan Toronto from the other public boards, so we are going to have to hire.

Our view is that this is not a surplus person. On the other hand, Metro separate has hired a teacher of drafting. That is a teacher whose services we would not require as a drafting teacher in the future, so they have taken on a teacher who otherwise would be our responsibility as a surplus teacher. We believe that relieves them of

their obligation for one position, whether or not that person was made surplus specifically by the transfer of students.

The difficulty arises even more, however, with another of our people who is one-third surplus this year. As the funding gets phased in, you could have a teacher who is one third-surplus this year, two-thirds surplus the next year and fully surplus the following year.

If you deal with individuals, what do you do? Do you say, "You are responsible for a third of a salary" or do you group one third here and one third there to put them together to make one whole position and then have the responsibility there for that position or for an individual surplus teacher? The whole question of retraining becomes a critical matter as far as we are concerned in Metro.

**Mr. Allen:** Those positions were not surplus positions for you that you could not replace from your own surplus pool. If you were to designate positions you could not fill from your own surplus pool beyond the pale of this legislation, that would meet your need because then it would not be an item that would count in the designation process as contemplated under the bill.

**Dr. McKeown:** That is one thing that would help, Mr. Allen. However, it might well be something that would be best worked out as an undertaking involving the seven public boards, the separate board, the planning and implementation commission and the ministry because it is a very practical working arrangement. I have left out a very important group. The federations must also be a part of this so they understand clearly and feel their members are being treated fairly. Yes, it would certainly help.

**The Vice-Chairman:** I am going to go back to Mr. Davis, but if the committee takes a look at the agenda we have this morning, we have a couple of other major groups coming too. If we can aim to finish with the Toronto board at 11:15, that will at least keep us close to schedule.

**Mr. Davis:** Then I will leave my question on compensation because I see the Toronto board would like something in the legislation to deal with compensation. I will raise that at some other point.

I note, Dr. McKeown, that your system already has some shared facilities in the public elementary system. Would you comment for me on their effectiveness, how the Roman Catholic unit maintains its ethos and how administrative problems or concerns are solved? Very quickly, do you believe, from your experience of having those in your jurisdiction, that such sharing is

practical and possible for secondary school units, especially in the 184 areas across this province where there is only one unit?

**Dr. McKeown:** Sharing an elementary school is quite different from sharing a secondary school. We do not share those three elementary schools; we jointly occupy them. What took us three years of discussions with the Metro separate board and \$6.5 million worth of capital money was the need to turn those schools, in essence, into two entities within one physical building.

As one would expect, there are two administrative offices because there are two principals. Several things we did not anticipate going in, were that the other board would insist upon its own nurse's office, library and staff room. We also had to arrange for a number of rooms in addition to what the provincial formula would provide for in the capital grant plan because one cannot completely fill a school building being occupied by the two boards and have no room for flexibility. The enrolments of the two boards could go up or down in any given year. It is better to have some flexibility there.

Right now the three schools are working so well that we rarely hear anything about them at all. That is a tribute to the principals and staffs of the two schools that are jointly occupying each of those three buildings.

When you come to a secondary school, though, it is going to be very difficult to create a separate entity because there are specialized classrooms. For instance, suppose you have a shop that is going to be used by students from both systems. You cannot have a part of the building that has that shop; you cannot duplicate it. You may well also not be able to timetable into that shop students only from the public board or only from the separate board.

One of the points we have made is that in highly specialized situations, and certainly our situation is much different from the situation of the jurisdictions in the province with only one high school, one board should operate those specialized facilities and the other board should pay appropriate fees. The fees we are able to charge under the regulations do not begin to cover the whole cost of offering a program, and that is something that needs to be dealt with.

**Mr. Davis:** Thank you.

**The Vice-Chairman:** We have four people on the speakers' list. Mr. Allen.

**Mr. Allen:** Thank you. I want to say, in the first instance, that I personally always appreciated the pressure the Toronto board puts on the

provincial government and the education system in the province as a whole by taking the lead role in so many creative ways in education. I am only too happy to have you come here and put pressure on us once again to refine what we are doing and make it fit your needs as best as we possibly can. That is what this is all about and I hope we can manage to do that in the end.

As a general proposition, I think I heard you say, in response to my supplementaries, what you preferred to do with regard to some of the major issues in the act where there is a differential impact, say, in the Metro area as distinct from the rest of the province, is to have a sensible and sensitive piece of legislation that is not so tied down and specific as to create intense difficulties in any sector and, presumably, a set of regulations that is negotiated and worked out and which covers the flexibilities that are needed. Is that a broad proposition that makes sense to you?

**Dr. McKeown:** I agree that we need legislation that is permissive and that allows the eight Metro boards to work out, with the ministry and the planning and implementation commission, solutions that will work in Metropolitan Toronto. We are not asking, and believe it would be very difficult if not impossible, to rework the legislation to take into account the uniqueness of Metro.

**Mr. Allen:** I appreciate that because it affects very much the route we follow down the road.

With respect to the success of your affirmative action programs, can you give me some sense of what the differential presence is of women in the lower seniority categories that would be most affected, and can you also volunteer an opinion as to whether, as someone suggested, the process of volunteering would be of significant assistance with respect to that problem?

**Ms. Moss:** Perhaps I could begin. I will ask the director if he has more specific information. On page 26 of our larger submission, we have a table that shows the percentages we have in employment categories or positions of responsibility in Toronto compared to the province as a whole. You will see that our percentage of women, even of classroom teachers, is higher than the provincial average.

Where the seniority question—I am not going to give you specific figures—will be most difficult depends on the rate of decline, because at the principal and vice-principal levels it is the newer appointees who have the greater chance of being women.

**Mr. Allen:** That is right.

**Ms. Moss:** I will ask the director whether he wants to give any specific figures. I would also like to say that, in my view, we have had so much practice in attempting to manage decline sensitively that we would expect to use those kinds of creative techniques here too.

**Dr. McKeown:** There are two or three bits of information. Of the nine people who have left us to go to Metro separate, seven are men and two are women volunteers. Our average age and experience in secondary school is not too different amongst men and women. On the other hand, in elementary I think there is some significant difference.

As Trustee Moss has said, the difficulty down the road will come if there is a transfer of facilities and if, as a result of that transfer of facilities, we have surplus principals or vice-principals. It is clear there will be less mobility in our secondary schools in positions of responsibility than there will be in our elementary schools.

Also as Trustee Moss says, by and large, in positions of responsibility below vice-principal, the increase in the number of women and the number of visible minority teachers who are occupying those positions is something that has occurred primarily in the past 10 years. If there are going to be any surplus positions, they are more likely to be positions currently filled by women or by members of visible minorities. I do not have specifics, but I know that is an accurate general answer.

**Mr. Allen:** In deference to the chairman's concern about time, I will pass on a few questions I might otherwise have asked and say I personally am, and I think our group on the committee is, very sensitive to the special problems of adult education you have noted. That is something we will have to look at carefully. You are quite right that it has been almost totally bypassed in our discussions to date and we do not have a response to that at this time.

**11:10 a.m.**

**Mr. Offer:** I have a single question with respect to whether you might be able to give us a sense of the co-operation and the dialogue you have experienced with the separate school board with regard to the different areas and elements of education.

**Mr. McKeown:** Mr. Offer, the best thing to say is that both the separate school board and the Toronto board have been in an impossible position in terms of trying to carry on discussions that have any meaning. Legislatively, we are part of the Metro federation and we cannot deal with

the matter of surplus teachers or the transfer of facilities or any arrangements like that without the involvement of the other six public boards of Metro.

It is safe to say that the discussions have been inconclusive and relatively unproductive. I do not wish to suggest to the committee that I am ascribing fault to either the Metro separate board or the Toronto public board in that regard. It is just a fact of life that we cannot operate in isolation.

**Ms. Moss:** May I just add that where the act speaks about good faith and co-operation, it is very clear that this will be absolutely necessary. We do have to recognize it is not just something you can fulfil by hoping or even by wanting to co-operate.

The objectives and purposes of school systems are their own. Our history of negotiations about space and facilities, for example, demonstrates very clearly that each board has legitimate positions, and they just happen to be in conflict, such as use of space for day care or for other kinds of community services.

That is something the Toronto board holds very dear and it is completely in conflict with the view of the separate school board. Their first priority, a legitimate view in their terms, should be for academic space for day school pupils. Those things are difficult and require give and take more than is implied in terms of co-operation.

**Mr. Callahan:** I am not a regular member of this committee and perhaps this question has been asked before, but I would like to clarify a statement on page 5 on constitutionality.

You indicate in the final line there, "We urge the government of Ontario to delay the implementation of extended funding until its constitutional validity has been determined." Are you suggesting in that statement we should delay the interim funding which will take place before the Court of Appeal renders its decision? If you are, what do you propose we do with all those children who have anticipated attending separate schools as a result of Mr. Davis's statement of June 1984? What do we do with the separate school boards that have reacted and started to hire teachers and rent facilities?

**Ms. Moss:** The Toronto board understands that this is a very difficult problem. While we would like to be of assistance, the problem is not specifically ours. We have as a board taken a position that there should be no implementation of the extension—that is, the funding for grade

11—until after the legislation and the constitutional questions are completed.

As I say, we do not have a solution about what to do with those children and those families. There would be disruption. I think it is important to point out that on a number of occasions as a school board we have wanted to do something in the best interests of our community and the minister has said, "No, it is ultra vires." With respect to the attempts we made to respond to our needs on the question of religious observance, for example, the minister just said, "No, the law is not as you would like it to be and, therefore, you cannot do that."

I think it is a great shame that this province—the former government, if you like—allowed school boards to go to that level of planning. The director pointed out that hiring was done in Metropolitan Toronto prior to approval of plans to go ahead. I believe there are questions about responsibility on both sides in terms of obligation to those children. I hate to think of the mess should the court ruling determine a different policy or policy alternatives other than those you are currently looking at.

**Mrs. Vanstone:** Just picking up on the mess aspect, if we can anticipate that we may not have a final constitutional ruling for two or three years, the mess we and students in this province may be in is horrendous. It is for that reason, looking at kids and their programs and our problems of trying to operate schools, we are suggesting that while it may be very painful to stop your implementation now—I am sure it will be exceptionally painful—but less painful than the scene could be two or three years down the road.

**Dr. McKeown:** Can I add just a very small practical comment on the question Mr. Callahan has raised? Much of the increase in enrolment will be through an increased retention rate in separate school boards between grade 8 and grade 9. There already is funding for grade 9, albeit the topping up would not be available to the level of secondary school grants.

As well, with the move to grade 11, a significant number of those students would have been accommodated anyway in private school settings. Again, we are talking about the transfer of funds. As far as we are concerned in Metropolitan Toronto, we sometimes are years behind in terms of the final settlement about what the actual small grants we get will be.

**Mr. Callahan:** I have one further brief question. On page 10 of your report, at the bottom line, you say, "The board urges an immediate return to a provincial funding level of

60 per cent and an eventual phasing out of property taxes as a source of education funding." What do you propose to be that source of funding?

**Ms. Moss:** May we refer you to the brief we submitted to the finance commission? It has been a long-standing position of the Toronto board that property taxes are not the most equitable way to fund educational services. They are all funded by what we believe to be a regressive means, and that is not the best way. We also recognize there is not an alternative source of funding immediately available, but some planning over maybe 10 or 15 years to reduce this reliance on property taxes would be something we would recommend.

**Mr. G. I. Miller:** I have one brief question. I would like to ask the director of education whether he will be making any recommendations. We have an opportunity now with the legislation that is being proposed to have input. Will you be having any recommendations specifically to make it work more smoothly and improve co-operation?

**Ms. Moss:** You will note in our larger submission that we have done clause-by-clause detailed comments and you will find some of those kinds of recommendations there where we have a specific suggestion. In other places, we simply have a problem to which we do not as yet have a solution and we point that out. You will find that in that section of the brief.

**Dr. McKeown:** I would add, in response to Mr. Miller's question, a repeat of the earlier comment that many of our concerns are because of the legislative uniqueness of Metro. What we hope would happen is that the legislation would not preclude allowing the eight boards, the ministry and the commission to work out, as it were, our own destiny, because I do not see how you can rework the legislation to take into account all those specific concerns. As Trustee Moss says, there are some clause-by-clause comments in the larger section of our brief and we hope those will be helpful.

**The Vice-Chairman:** Thank you very much for coming before us. One is tempted to ask trustee Moss, in her other role with the Metro board, if a decision has been made on an injunction yet, but we will not get into that since she is with the Toronto board today.

**Ms. Moss:** We have not seen the ground regulations yet.

**The Vice-Chairman:** We thank all three of you for being most helpful this morning.

**Ms. Moss:** We would like to say thank you and suggest if there are further questions or detailed work you would like, we will make ourselves or our staff people available at your convenience.

**11:20 a.m.**

**The Vice-Chairman:** The next presentation to the committee is by the Wentworth County Board of Education. Mrs. Hope Lee, you will be the main spokesperson for the group, I take it?

#### WENTWORTH COUNTY BOARD OF EDUCATION

**Mrs. Lee:** The director of education, Mr. Greenleaf, and I are going to share the duties of spokesman.

I would like to begin by expressing our appreciation for being permitted to attend. In view of the large numbers on the waiting list, we are aware that we are among the favoured.

I would also like to introduce the other members of my presentation team: Mr. Greenleaf, on my left, is the director of education for Wentworth county. Mrs. Springsted, on my right, is the chairman of our salary committee. Mr. Stevenson, to my far left, is the superintendent of schools, secondary, for Wentworth county. Mr. Webb, on Mrs. Springsted's right, is the superintendent of business and finance.

Our brief, which I am about to begin reading to you, opens, I think quite appropriately, with a map. As we get into the brief, I think you will see why we felt the map was so essential. We have an extremely peculiar geography in Wentworth county. We are in a horseshoe shape around Hamilton, both below and above the Niagara Escarpment. I think you all have copies of the brief.

The Wentworth County Board of Education is a suburban-rural board of education serving the municipalities of Stoney Creek, Glanbrook, Ancaster, Dundas and Flamborough. I am happy to report that all five of those municipalities are represented here today. I am a trustee from Flamborough, Mrs. Springsted is a trustee from Glanbrook, and in the audience we have trustees Foye and Hammell from Stoney Creek, trustee Beck from Dundas and trustee Beaton from Ancaster. I am very pleased they saw fit to come and attend.

Our board's area of jurisdiction extends in a flattened horseshoe shape around Hamilton and touches boundaries with seven other public boards of education: the Lincoln County Board of Education, the Haldimand Board of Education, the Brant County Board of Education, the

Waterloo County Board of Education, the Wellington County Board of Education, the Halton Board of Education and the Hamilton Board of Education.

Our schools serve a student population of approximately 16,000 students, a reduction of some 7,000 from the nearly 23,000 students registered in 1969, when county boards were formed. With students spread across such a diverse geographic territory, daily transportation is provided for roughly 10,000 pupils, a significant drain on the finances of a board committed to educational excellence but frustrated by a growing scarcity of resources to support the programs it offers or would like to offer.

From the outset it is important for the committee to understand that the Wentworth County Board of Education has endorsed the objectives articulated by the Coalition for Public Education: (1) to recommend to the government that the implementation of the extension of separate school funding be frozen until full, normal and due process is given to the proposed policy changes in the Legislature; (2) to recommend to the government that it seek a constitutional referral on the question of extending public funding to the Roman Catholic separate secondary school system and that it freeze all implementation until the courts have ruled on the subject; and (3) to initiate and continue dialogue with all who share our concerns for the preservation of quality public education in Ontario.

However, it is equally important to note that the board has not become a member of the coalition, preferring not to jeopardize the good working relationship we share with our sister boards, the Hamilton-Wentworth Roman Catholic Separate School Board and the Hamilton Board of Education.

In our view, the Wentworth County Board of Education, as a medium-sized board, does not have the resources to compensate for the social dilemma created by change in provincial government policy. Instead, the board contemplates with apprehension the loss of stability which has enabled it to function as an independent entity despite periodic suggestions of amalgamation with our much larger neighbour, the Hamilton Board of Education.

There has been a tremendous amount of rhetoric pumped out during the months which have passed since the former Premier's announcement of June 12, 1984, much of it cynical, distorted and irrelevant. History is simply history and we would all be better served

by recognizing the events of the day will make pretty dry reading in the next century.

However, the Wentworth County Board of Education is very aware the legitimacy of the policy change enunciated on June 12, 1984, can only be determined in the courts of the land and not through shrill invective or demagoguery. We have every intention of respecting the laws of this province. Nevertheless, until Bill 30 actually becomes law, it is our duty to seize every opportunity to point out to the communities we serve and to this standing committee the effects of the proposed legislation on our jurisdiction.

I would like to ask Mr. Greenleaf to continue with the brief at this point.

**Mr. Greenleaf:** At present, the Wentworth County Board of Education has about 2,300 students quite comfortably accommodated in three secondary schools in Stoney Creek. By 1989, our projections suggest we shall likely see that population decreased by 600 students, exclusive of any loss resulting from the transfer of students to schools operated by the separate school board. Clearly, if the projections hold, there will be enough room to house all the east-end students in two secondary schools by 1990.

Certainly we acknowledge there is a considerable amount of space available in our secondary school facilities and that the separate school board has need of additional space. To that end the Wentworth County Board of Education has offered Dundas District High School, a vacant west-end secondary school facility, to the Hamilton-Wentworth Roman Catholic Separate School Board and has also commenced its school closure process by identifying Winona High School, an east-end secondary school, for potential closure by June 1987. In addition, a considerable amount of vacant elementary school space was offered as interim accommodation to relieve the congestion in Cardinal Newman Comprehensive.

The separate school board has not indicated to us it is desirous of any of these facilities. Rather, it has focused attention on the acquisition of either Orchard Park Secondary School, the only fully composite facility in the east end with attached swimming pool and alterations for handicapped students, or Saltfleet High School, a recently renovated secondary school with strong community traditions.

The potential availability of appeal to a tribunal appointed by the planning and implementation commission holds greater attractiveness for the separate school board as a means of

acquiring additional school accommodation than the utilization of facilities declared surplus by our public school board. The arbitral powers proposed for the planning and implementation commission under Bill 30 therefore concern the Wentworth County Board of Education.

As the Education Act now stands, boards of education are required to "provide instruction and adequate accommodation during each school year for the pupils who have a right to attend a school under the jurisdiction of the board," under subsection 149(6), and have the discretionary authority to "determine the number and kind of schools to be established and maintained and the attendance area for each school and close schools in accordance with policies established by the board from guidelines issued by the minister," as excerpted from subsection 150(6).

**11:30 a.m.**

The impact statement submitted to the planning and implementation commission by the Wentworth County Board of Education states very clearly our present and future requirements for both the Orchard Park and Saltfleet facilities for our own program and accommodation purposes.

In the unhappy event that a tribunal appointed by the planning and implementation commission under subsection 136x of Bill 30 ordered the transfer of either Orchard Park Secondary School or Saltfleet District High School to the Hamilton-Wentworth Roman Catholic Separate School Board, the legal right of the Wentworth County Board of Education to declare space surplus to its needs would be invalidated.

Determination of local issues should not be taken out of the hands of locally elected officials to be replaced by the authority of an appointed body with no local accountability. In consequence, the Wentworth County Board of Education believes that the draft legislation must be altered to eliminate section 136x, thereby limiting the powers of the planning and implementation commission to those functions detailed under section 136w. Specifically, those functions would not extend beyond assistance, mediation or fact-finding when requested by either a public board or a Roman Catholic school board.

Perhaps the area of most significant impact in the long run will be the matter of each board's ability to provide instruction in the full range of courses of study that are "prescribed or approved by the minister, developed from curriculum guidelines issued by the minister, or approved by the board where the minister permits the board to

approve courses of study." That is an excerpt from the Education Act, subsection 150(7).

For instance, at this specific date our enrolment figures in senior division classes at Orchard Park, a composite school with a projected September population of 830 pupils, are abnormally low. Some enrolments in art, theatre arts and technical classes are nine, 13, six, nine and 12, hardly the basis for strong programming and good staff utilization.

The Wentworth County Board of Education will have either to cut these classes, to add commensurately more staff at additional expense to the board or to operate such programs on a merged multicampus basis, which would require schools in close proximity for reasonable transportation linkage. In a catchment area where the population is closely divided between Roman Catholic and non-Roman Catholic backgrounds, a further erosion of students from grade 11 and 12 classes can only increasingly jeopardize program offerings or involve the board in additional teacher costs.

There are no specific and clear commitments in Bill 30 to provide the necessary financial shoring-up that our public secondary schools will need to survive a student drain to the separate system in the senior division. The issue of provincial government acceptance of full responsibility for increased funding requirements cannot be minimized. Proposals within Bill 30 to redirect local assessment from the support of the public secondary schools to secondary schools operated by Roman Catholic separate school boards will severely hamper the financial viability of many boards of education in the province.

In 1974, provincial transfer payments from general legislative grants covered almost 68 per cent of the expenditures of the Wentworth County Board of Education. By 1984, that figure had declined to approximately 43 per cent, an astounding drop of 25 per cent within a decade.

At this point, the provincial government has the status of a minority owner in terms of financing the operation of Wentworth county schools. To escalate the erosion of public funding by the passage of legislation that permits the redirection of the very local assessment on which we have been increasingly forced to rely is incomprehensible at best.

The government must amend Bill 30 to ensure full financial compensation for the funding burden that will accrue to the public boards as a result of any movement of students to the separate system and of the redirection of local assessment to the support of Roman Catholic

secondary schools. The financing problem is compounded by the fact that in this coming year the government will be proceeding with a revision of its board funding formulas in the areas of special education, transportation costs and per pupil grants. I make reference to the Ministry of Education memorandum 1985: B4, May 15, 1985.

Financial responsibility must also be accepted by the provincial government for the proposed inability of public school boards to terminate the employment of staff whose services will not be required by the public board when the Roman Catholic school board assumes the duties of a secondary school board.

Subsection 136l(8) of Bill 30 provides that the public board shall continue to employ such teachers until such time as the person is employed by a Roman Catholic school board. This is an unfair imposition. To prevent local assessment requirements from being strained even further, the full financial responsibility belongs to the provincial government, whose action created the funding dilemma in the first place.

The full cost attachment of this job security provision must be borne by the Ministry of Education, along with any attendant cost ramifications which may exist or which may develop as a result of locally-negotiated collective agreements in Wentworth County. Redundancy is covered primarily by the application of seniority provisions. Fewer students translate to older, more expensive staff and the cost per pupil increases as a result.

Besides the inevitable, deleterious effect of the loss of younger staff on program, the additional burden of retaining extra staff on the public school board payroll until hired by the Roman Catholic separate school board is indefensible.

The Wentworth County Board of Education has seen its secondary school per-pupil costs rise astronomically over the past decade. Quite simply, the Wentworth County Board of Education should not be placed in the position of having to explain to its ratepayers why its operating costs include additional staff for whom it has no jobs.

**Mrs. Lee:** Apart from the obvious general concern about the extension of full funding to the Roman Catholic separate school boards, one chilling prospect arises as a direct result of Wentworth's unique geography. In a judgement issued on June 28, 1984, the Ontario Court of Appeal confirmed that "the criteria to be used in determining the relative accessibility of schools for purposes of clause 40(1)(a) of the Education

Act are both distance and time related to the mode or modes of transportation that pupils might reasonably be expected to use"—Bareham et al. versus City of London Board of Education et al., Ontario Supreme Court (Court of Appeal) Lacourcière, Blair and Weatherston J.J.A.

When a board touches boundaries with seven other public boards, it experiences considerable anxiety about the loss of its own students on the basis of accessibility. With the inclusion of neighbouring separate secondary schools in our communities as additional attendance options, the problem is magnified considerably.

This is particularly the case if students are expected to bypass a Roman Catholic secondary school to which Bill 30, section 1360, permits them access in order to attend a public secondary school. The Wentworth County Board of Education cannot afford to relinquish either Orchard Park Secondary School or Saltfleet District High School since Winona High School is located near its jurisdictional extremity. Fewer than 60 students walk to Winona High School. The remainder, about 500 pupils, are transported, in many instances right past Orchard Park and Saltfleet.

If the criteria governing approval of implementation plans by the planning and implementation commission are that the method must permit the Roman Catholic school board to provide a secondary school education and that the method must promote the best interests of public education in Ontario, then the Wentworth County board of education believes it has acted properly and wisely by attempting to make Winona High School available for use by the Hamilton-Wentworth Roman Catholic Separate School Board by September 1987. The position we have established seems to be in harmony with government policy to utilize existing facilities wherever possible and reasonable.

Thank you very much for granting us this opportunity to make our views known. We trust that the insights we have provided will be of assistance as you study the impact of the proposed legislation known as Bill 30. We would be pleased to answer any questions committee members might wish to direct to us.

**11:40 a.m.**

**Mr. Gillies:** I have a couple of questions about the accommodation problem you are experiencing and foreseeing. First, you note in the brief that you expect by 1989 to have had a decrease of 600 students in your jurisdiction. Is that based solely upon declining enrolment projections or are you factoring into that any students you

expect to lose because of the implications of Bill 30?

**Mrs. Lee:** Until we get our September 30 enrolment figures this fall, we will not have a handle on how many students might be leaving us because of the extension of funding. We have to take a ball-park figure and guess because we do not know how many students in our secondary system are Roman Catholic and we have no intention of asking them.

Regarding the students coming from grade 8, we have projections supplied to us by the Hamilton-Wentworth Roman Catholic Separate School Board. We have locally a committee consisting of the Hamilton Board of Education, Wentworth County Board of Education and the Hamilton-Wentworth Roman Catholic Separate School system and we meet reasonably frequently and exchange statistical information we hope will be of mutual benefit.

I could ask for more specific statistical information from either Mr. Greenleaf or Mr. Stevenson.

**Mr. Greenleaf:** The information contained in the brief suggests that the loss of 600 students additional to our present base by 1990 is exclusive of any transfer of students to the separate system. Mr. Stevenson might elaborate.

**Mr. Gillies:** That is based on declining enrolment projections.

The committee does not know how far along you are with your discussions with your coterminous separate board, but you have identified two schools that are going to be redundant, Dundas District High School and Winona High School, and yet the separate board is expressing an interest either in Orchard Park Secondary School or Saltfleet High School. This may have implications, or similar situations are going to occur elsewhere.

Could you tell us at this point what kind of arguments are being made by the separate board as to why it is interested in those two schools and not the others? Is it the size of the facility? Is it the type of facilities they have? Is it the age or condition of the building? What are the arguments?

**Mrs. Lee:** We have only 60 students who walk to Winona because it is right on the border between us and Lincoln county. We have high transportation costs to send students there. If the separate school board were to take that school, it also would have high transportation costs. Both Orchard Park and Saltfleet are in the more populated centre of Stoney Creek and, therefore, in the centre of the Roman Catholic and

non-Roman Catholic teenage population, so in a sense the geography of Stoney Creek has its main pupil population in this part of town where both systems would like to have a composite high school.

The Saltfleet facility does not have the degree of shop facilities that Orchard Park and Winona have. Winona has not as much as Orchard Park and is a smaller-capacity school.

**Mr. Greenleaf:** May I just extend that answer to Mr. Gillies? The lack of interest currently expressed in Dundas District High School obviously relates to the availability of that school not directly solving the east-end problem in the Stoney Creek section. However, were one to look at boundary revisions to accommodate, there is an approximately 700-place school available in Dundas which currently sits empty. That school has been closed and mothballed for the past two years.

**Mr. Gillies:** To bring it back to the bill, you have concerns that section 136x abrogates aspects of the Education Act with respect to redundant facilities. By merely deleting 136x, how could you suggest to us the problems you are having between your two boards would be resolved? Could this type of problem be resolved without the intervention of a tribunal or some sort of arbitrator, or could you recommend to us something that could be put into the bill in place of section 136x that could achieve the same thing?

**Mr. Greenleaf:** The issue of determination in the event of discussions becoming hamstrung is a very serious one, not only for our board but also anywhere in the province. The concern we have expressed in our brief, perhaps not as clearly as we might have done, relates to who should make the decision in the event that the local parties, the two boards, are not in a position to make the decision. Third-party intervention will be required.

Our concern is that the third-party intervention might more appropriately be handled by the Ministry of Education or by the minister than by the insertion of an appointed commission. At least the minister and the party to which the minister belongs are accountable at the polls locally. That is the concern we are trying to express.

**Mrs. Lee:** In our geographical setting, and with our school population and the number of schools we have jurisdiction over, locally we did not need Premier Davis's statement to work out a mutually agreeable agreement with the local coterminous separate school board in the sense

that it needed places and we had surplus space. At the moment, our pupils are strung out over three high schools and we can see how we could free up one of those three. The fact we do not agree on which one to free up is the bone of contention at the moment.

It is only fair to them to note that, from their point of view, perhaps they see the arbitrator of the planning and implementation commission or some such body as their best chance to get the school they prefer.

**Mr. Gillies:** I thank you and I take some encouragement from that statement. I think it reflects a bit more confidence that you can work it out with your coterminous board than may have been reflected in the brief.

**Mrs. Lee:** I am an optimist, but there are days.

**Mr. Callahan:** I was going to reflect on that question because it seems to me that to have a third body, although it is not accountable—I think that is your concern—would create a greater degree of confidence that it was being done outside the political arena. I suggest that section 136x is more appropriate than putting it into the political arena, because then the general perception by the public in your area would be that it was being determined by a board not specifically tied to any political decision.

**Mrs. Lee:** As you know, we are all facing an upcoming municipal election. I can assure you it is an extremely political topic in my area. The method of implementing this policy change has disturbed the local ratepayer electorate more than had it been a political issue from the beginning.

**Mr. Callahan:** I am not talking about the act itself. I am talking specifically about section 136x. I gather you are saying that, as an alternative, you would prefer to have decisions of that type made by the Minister of Education. I am turning it around the other way. Would it not be better to have the public perception that it is being made by an independent panel as opposed to being made in a political arena?

**Mrs. Lee:** I suppose it depends on whether the public has confidence that the independent panel is independent.

**Mr. Callahan:** I guess that is something on which we will never satisfy anybody.

**Mr. Greenleaf:** It is my impression of the populace I serve as director of education that it would very much wish to have the issue dealt with in the political arena as opposed to losing control entirely over the outcome.

11:50 a.m.

**Mr. Callahan:** Let us take that a step further. Let us say that, instead of talking about the transfer of property, we were talking about teachers' salaries. Would you prefer to have those determined by a political body as opposed to an independent panel?

**Mr. Greenleaf:** At this point, assuming that a board of education is capable of meeting a collective agreement or making a collective agreement with its teaching staff, that is precisely what does occur. In the event that any settlement is outside the parameters established in the community as being acceptable, I think the trustees who are elected and who have come to that agreement will certainly receive a message at the next poll.

If you are looking for third-party intervention in that setting and are talking about the nature of providing access to arbitration, I suggest the arbitration base may be necessary; but nothing, even at this point, prevents the minister from declaring that the staff must return to work in the event of a work stoppage. It is all part of that.

It seems to me what we are talking about is property that is owned publicly, not people who are owned publicly, because people are not owned.

**Mr. Callahan:** That was a bad analogy, actually.

There is one final question I asked of the previous group and I have to ask it again. You endorse the objectives articulated by the Coalition for Public Education, and one of those is that separate school funding be frozen until full, normal and due process is given to the proposed policy change in the Legislature, and also that the question be determined by the courts.

Are you saying there should be no funding whatsoever to all those children and boards that have anticipated it as a result of the statement that was made in June 1984? If you are, what do you propose we do with them?

**Mrs. Lee:** That is a question my board has not addressed, partly because it arose at the very end of the school year, when we went into a kind of hibernation period for the summer. I would not wish to speak for 17 other people who are the elected trustees for my board.

As an individual and as the chairman of a board who is fairly sensitive to the feelings of the board, I would say there would be a great deal of sympathy on the part of board members for the plight in which those children have been placed. Whether it would be better for them to be given interim funding with the chance that the courts might snatch it away, which is possible, or

whether it would be kinder simply not to give it at all until the courts have cleared the matter up once and for all, I simply am not wise enough to decide. I do not know.

**Mr. Greenleaf:** The concern I have—it may be totally unfounded, but it does not diminish the concern, none the less—is that in the event we have moved past legislation or even the ability to enact legislation to extend funding, even on an interim basis, by the time the question is considered, the actual fact will be in place.

In short, you run into the old legal argument of estoppel, that if the legislation does not exist or if the policy does not exist, what is the practice? If the existing practice is to pay out the funds to allow certain actions to occur, then it strikes me that you have greater difficulty in undoing that action than you would have had in not having undertaken it in the first place until the legislation had been tested in the courts.

**Mr. Callahan:** I understand the conundrum and I think they understand our conundrum. It is a matter of fairness to students, boards and teachers and so on who have geared up for this.

**Mrs. Lee:** I would not like to be the chairman of a separate school board at this time.

**Mr. Allen:** I want to welcome the representatives of a neighbouring board to my own, especially the delegation that comes with Mrs. Lee and Mr. Greenleaf, the director. As they will know, we have undergone a herculean effort to resolve their student enrolment problems and halt the decline, but unfortunately our teachers' strike has ended and a massive exodus in your direction by Hamilton students is now forestalled. None the less, we tried.

You said it was difficult to come to any clear estimate of the numbers of transferring students this year, but you intimated you had tried to strike a global figure and therefore you must have estimated what your teacher loss would be and who would be on the hypothetical designated list and so on. Can you give us those estimates?

**Mrs. Lee:** For this year, we do not expect any teacher loss, but I think for 1986 we have some figures.

**Mr. Stevenson:** In the impact-study segment, we indicated we were expecting something in the order of two and a half teachers would be redundant. However, I think it is fair to say, as Mrs. Lee indicated, it is fairly difficult to decipher that data until the end of September.

In some respects, we try not to inflate the figures beyond what seems reasonable. At the moment, we may be fortunate enough that at this

time no teachers will be identified as surplus as a result of the movement.

**Mr. Greenleaf:** I would extend the answer again. The collective agreement with district 36 specifies the board has the right to terminate the employment of teachers on probationary contract. Many of those were the recipients of letters terminating employment. Some have been rehired. However, if we were to factor in the loss of probationary staff, which we have not done in our statement that there would be no redundancies, then it strikes me the position we establish would be somewhat different.

**Mr. Allen:** How different?

**Mr. Stevenson:** We will have to wait until the end of September.

**Mr. Allen:** You do not have an estimate of your actual loss of probationary and other staff?

**Mr. Stevenson:** Not at the moment.

**Mr. Allen:** Were the two and a half staff positions an estimate for 1985? I think Mrs. Lee indicated you had a projection for 1986 as well. Is that the case?

**Mr. Stevenson:** We do not have one for 1986.

**Mr. Allen:** In that case, you have not had to implement any arrangement with the coterminous board for absorption of staff. Do you have an arrangement worked out with them for the contingency, had that been necessary?

**Mr. Greenleaf:** The three directors have been charged with the responsibility to draft a method by which that problem could be tackled. At this point the three boards have come to no agreement.

**Mrs. Lee:** The chairman of the Hamilton-Wentworth Roman Catholic Separate School Board has assured me and my board that no teacher from Wentworth county who is made surplus directly by the extension of funding will go without a job. In other words, they will pick up any such teachers if they must. They do not foresee they will have to do much of that. That is the impression given at the political level. I believe the directors are still wrestling with the mechanism.

**Mr. Greenleaf:** Part of the issue will be the involvement of the teachers' federation in the discussions as to what should occur. Our board believes that is very important.

**Mr. Allen:** I agree. On your concern about the planning and implementation commission on the property question, rights of appeal and so on, we have had a great many representations on that and it is something we are going to be taking very

seriously, with respect to restructuring that section in some significant way.

I am not as familiar with the details as perhaps I should be, but if you lose the Orchard Park school, does that mean, with respect to a delivery of technological programs, for example, you would have to be a purchaser of service from the separate board in the east end of the city, and vice versa if the separate board requires one of the other schools?

## 12 noon

**Mrs. Lee:** If the separate board took possession of Winona High School, it would be able to give technological courses because there are shops there. The problem with that facility from their point of view is simply its size, its capacity. They project more students than will fill it. That is their projection. Our projection is that we can work something out so that we need to utilize only two out of three high schools in Stoney Creek. If we are to continue to deliver the program we currently deliver, we must have Orchard Park and Saltfleet or else we cannot do it.

**Mr. Allen:** On the question of property transfers in the area, are there tri-board arrangements already in place relating to questions like that? Is this something that is uncharted?

**Mrs. Lee:** The separate school board has leased space at a Hamilton high school. They did not come to any agreement with us. For 1985-86 they are going to continue with the arrangement they have with their own separate school, Cardinal Newman, which consists of adding a lot of portables in the schoolyard.

It is very difficult to dramatize the plight five years from now regarding programming for students in the technological section and at the general and basic levels of difficulty as compared to the immediate plight of children in portables. We feel very strongly we have a moral obligation to take a longer view and ask what kind of programming the children will need for the 21st century. If they are to get it, we must build on what we have in place now. We know the kind of facilities we will need.

**Mr. Greenleaf:** Prior to Premier Davis's announcement on June 12, 1984, the three boards in the area had already been involved in a tri-board joint accommodation study at the request of the then minister. The results of that study were very encouraging about a co-operative attitude existing among the three boards. If anything, the announcement compli-

cated the relationship more than if it had not been made.

**Mr. Allen:** With respect to your funding concerns about the diminishing proportion of provincial support, you may have noticed I have tabled a motion hoping this committee will address that in some serious fashion and make its own views known to the ministry on that subject.

**Mr. Davis:** I would like to pick up on one or two quick points and I will be as brief as possible. In the planning and implementation document which you sent, in the separate school section, it says, "The crisis in student accommodation which exists at Cardinal Newman High School must be resolved without any further delay." I assume the Wentworth Board of Education will not release a sufficient amount of its surplus space in Stoney Creek.

**Mrs. Lee:** That is a very misleading statement.

**Mr. Davis:** I was going to ask if that statement was made before or after you had suggested that the Winona school was free.

**Mrs. Lee:** I am not sure of the timing of it. To backtrack for a moment, when the three boards first met to discuss the problem of the necessity for space for the separate school board, the surplus space we had was scattered among three high schools. Statistically, you can prove that we have 500 pupil places for the separate school board as of this September, but it would mean taking the separate school pupils and putting them into the three high schools on an integrated basis.

We offered to do that. We said we would take everybody they had and that if they came to our schools we would work out some kind of arrangement where there were two principals in the same building. We had these informal discussions, but the offer was not acceptable to the separate school board as to the necessity, from their point of view, of having an independent autonomous space for the retention of the catholicity of their separate secondary school.

Father Sheridan and I spent a great deal of time on it. My attempt was to persuade him that we can alleviate their overcrowding at Cardinal Newman. His view was that the alleviating of the overcrowding was not as essential, in his view, as it was to maintain the catholicity of his school.

**Mr. Davis:** That is ironical. I understood from the statements of the Minister of Education, certainly those of the planning and implementation commission, and even in the beginning when this bill first saw light, the thrust was the

sharing of facilities wherever possible and no inclusion of funding. What I hear you saying in effect is that a public school board decides what is in the best interest of public education as stated in Bill 30 and based on its program needs. The coterminous separate school board makes the same kind of decision and then says, "By the way, our needs outweigh your needs," or, "We think that building should be our building." Then you must go to the tribunal appointed by the commission, which decides whose needs are most appropriate.

It has been my party's position from the beginning that a politician cannot hide behind the cloud of a tribunal or a commission, which is not even an elected body, that has the final resolution of a matter with no right to make a final request to the Minister of Education as stated in the bill, subsection 136x(14). We will be asking that the people of this province have a right to have a final resolution made by the Minister of Education. He is at least directly responsible to the public of this province.

I would like to ask briefly, and this is my final question, when you were talking about the Winona school being transferred to the separate school board, what kind of compensation did you expect?

**Mrs. Lee:** We never got to the stage where we started talking about compensation.

**Mr. Davis:** What kind would you expect?

**Mrs. Lee:** I expect my board would be unwilling to make a charitable donation.

**Mr. Davis:** The separate school ratepayer has been paying money into those buildings. Would you be willing to accept some kind of proposition, some kind of splitting that recognizes that fact, so that there is a 60-40 or 70-30 division of market value?

**Mrs. Lee:** If we got to the stage where we were seriously discussing the transfer of the facility we were most willing to forego, the board would very seriously address just those issues.

**Mr. Davis:** Do you believe there should be some legislative guidelines with respect to compensation in the legislation, in Bill 30?

**Mrs. Lee:** I would fear such a guideline because the circumstances of each board are so unique.

**Mr. Davis:** It would not indicate what it would be. It would just be something that would address this.

**Mrs. Lee:** Do you mean something such as a percentage split, 70-30?

**Mr. Davis:** No, just generally. There could be something that would talk about compensation as the previous drafts did. It was referred in one case to the Ontario Municipal Board. It would be another jurisdiction other than the planning and implementation commission that is now taking it along this far, another jurisdiction that would deal with the compensation factor.

**Mrs. Lee:** I am not sure. I would have to know more before I would be able to respond to that question. I am sorry.

**Mr. Davis:** That is fair.

**Mr. Greenleaf:** In that my chairman is not sure, I am not sure either.

**The Vice-Chairman:** It looks as though we have a consensus. Are there any other questions by the committee? If not, thank you very much for coming to Toronto today to explain to us the problems in your situation and your opinions of the bill.

The final presentation this morning is by the Ontario Separate School Business Officials' Association.

#### ONTARIO SEPARATE SCHOOL BUSINESS OFFICIALS' ASSOCIATION

**Ms. Sweeney:** My name is Catherine Sweeney. I am president of the Ontario Separate School Business Officials' Association. With me this morning I have, on my far left, Ed Paquet, past president of the association. He is from the Hastings area. Next to me I have Norman Fortin, vice-president of our association. He represents the Kirkland Lake area. On my right is A. S. (Peter) Meneguzzi. Peter is from the Metropolitan Separate School Board.

**12:10 p.m.**

The Ontario separate school business officials are pleased to come before you this morning to express our views on Bill 30, a bill we support. The members of the panel, as I have indicated, are from various areas. We have chosen to do this so that they can answer your questions as to their areas of concern and as an association in general. We all have different areas of concern, but we have one main goal, which is equal funding for secondary separate schools. We commend the planning and implementation commission for a job well done. We offer to you, the standing committee on social development, any assistance you may require of our association. I would now like to pass the meeting over to Mr. Fortin.

**Mr. Fortin:** I was going to start off by reading the brief. It is not very long, so we will go through the brief first of all.

The Ontario Separate School Business Officials' Association, known as OSSBOA, is an organization of administrative personnel employed by Roman Catholic separate school boards in Ontario. It is pleased to have this opportunity to present to the standing committee on social development its views on the proposed legislation to extend full funding to Roman Catholic secondary schools.

The association has appreciated the virtually unanimous support given by the elected members of the Ontario Legislature to the concept of equitable funding for Roman Catholic secondary schools. OSSBOA supports this legislation, which will provide for the completion of the funding of the publicly supported Roman Catholic school system to the end of the secondary school grades. The association believes Bill 30 will, as former Premier William Davis stated, serve in these contemporary times the spirit and realities of 1867.

OSSBOA believes it was the intent of the Fathers of Confederation to guarantee the students of both the separate school system and the nondenominational school systems an equal educational opportunity.

It is not our intention to comment on each clause; therefore, this brief will restrict its comments to the following areas:

Student accessibility and student fees: The association fully endorses the concept of accessibility enunciated in Bill 30. It recognizes that there are a number of separate school boards experiencing serious problems with secondary school accommodation. Some of these boards include Metropolitan Separate School Board, York Region Roman Catholic Separate School Board, Dufferin-Peel Roman Catholic Separate School Board and Carleton Roman Catholic Separate School Board.

It would appear that these boards would not be able to accept additional pupils unless there was a provision for additional pupil places. It is believed that transferring and sharing of existing accommodation in the public school sector could help solve many of the accommodation problems.

Bill 30 provides for the purchase of education between school boards by way of fees to be calculated in accordance with the regulations. The association fully supports the use of tuition fees as suggested in the bill, provided they are calculated as indicated in this bill in accordance with the regulations of the Ministry of Education.

Secondary school rates and application: OSSBOA supports the present provisions of Bill 30

that will enable Roman Catholic school boards which elect to perform the duties of a secondary school board to begin to collect the secondary school taxes of separate school supporters in the year following that election.

Each Roman Catholic school board, however, will be faced with a transitional period of four months. OSSBOA is concerned that, because of the lack of property assessment support during this transitional period, the Roman Catholic school boards will encounter difficulties in meeting their fiscal commitments.

It is, therefore, recommended that, either in Bill 30 or in the general legislative grant regulation, provision be made for additional funding to support the Roman Catholic school boards during the transitional period that will be faced by each of the new boards.

**Elementary and secondary school estimates:** The association believes that a Roman Catholic school board should be a single entity with a single set of estimates. The need for two sets of estimates and two mill rates will be redundant following the election of a separate school board to perform the duties of a secondary school.

**Transfer of staff:** The association supports the principle underlying Bill 30 that there is to be no unemployment as a direct result of the policy extending funding. It has, however, some reservations with regard to the proposed method for determining transfers, that is, designated persons.

A Catholic school reflects a way of life. It provides for students an understanding of their religious heritage, and awareness and appreciation of the Christian way of life. The Catholic school accepts the presence and the role of God in all of its curricular and extracurricular school life. Therefore, the association believes that voluntary transfers from the public secondary schools would greatly enhance the mission of the Roman Catholic secondary schools, since the transferees would be more likely to support the goals and objectives of a Catholic secondary school. The association believes there will be sufficient numbers of all staff prepared to accept transfers, with the consequence that no public secondary school employee will become unemployed as a direct result of the new funding policy.

The association suggests that the designated-person concept as outlined in Bill 30 be applied only in cases where the number of voluntary transfers does not correspond to the number of secondary school personnel displaced as a consequence of funding. The association sup-

ports the view that voluntary transfers should be eligible for the same benefits as suggested in Bill 30 for the designated persons.

**Sick-leave/retirement gratuity:** The association believes that the sections of Bill 30 dealing with the transfer of sick-leave credits and payments or retirement are complex and may be extremely difficult to administer. Sections 15 and 16 could be a continuing source of dispute between the coterminous Roman Catholic and public school boards. OSSBOA recommends that retirement gratuity payments of public secondary school personnel who transfer to Roman Catholic school boards be defined as a responsibility of the government of Ontario.

In conclusion, OSSBOA believes that the completion of the Roman Catholic secondary schools proposed under Bill 30 is in keeping with the spirit and intent of the right given to separate schools under the British North America Act of 1867 and the 1982 Charter of Rights and Freedoms.

We wish to thank the members of the standing committee on social development for giving us this opportunity to share our views with you.

**Mr. Callahan:** As I said, I do not normally sit on this committee, but I am going to ask you this question. On page 7 you say, "The Catholic school accepts the presence and the role of God in all its curricular and extracurricular school life." We have just heard—and I am sure you were present—the Metro school board tell us about, as they see it, the purported problems that could arise, particularly in the framework of technical schools.

I notice you endorse the position of the purchase of services as well. Would technical education be contained within the statement I just read on page 7? Would you find any difficulty with technical education being outside that area, not totally included within the separate school system?

**Mr. Meneguzzi:** It all depends. I guess you define this as high-cost education. If it does not justify itself economically, I would suggest that the association would define this to be part of the area where the cost of education would be purchased from the other board. As I say, I think it would apply where it was not a viable situation, where there are not enough students to justify a program.

**Mr. Callahan:** So you are not saying that everything within the separate school system would be governed by the principle that is enunciated on page 7.

**Mr. Meneguzzi:** Where it is impractical to provide high-cost education to every one of the students enrolled in separate schools, then I think it is only economical and reasonable to purchase education from another board.

**Mr. Callahan:** Having said that, do you see any difficulty with some accommodation, particularly in Metro Toronto—I know you people do not necessarily speak for them—with technical school services being purchased from a public school board?

**Mr. Meneguzzi:** There could be a possibility.  
12:20 p.m.

**Mr. Davis:** You state at the bottom of page 4 of your brief, "The association fully supports the use of tuition fees as suggested in this bill provided they are calculated, as indicated in this bill, in accordance with the regulations of the Ministry of Education."

If I am correct, and I do stand to be corrected, the cost of the high-cost programs on the ministry grant do not cover the total cost of the operation of those programs, be they technical or special education. Are you suggesting you only transfer across fees of service that are in ministry grant regulations or would you be prepared to pay the total cost of those programs if you purchased them from the coterminous boards?

**Mr. Paquet:** We are suggesting there is a regulation now that lays out in great detail how fees are charged from one board to another. That cost is the cost that should be charged to the separate board. That cost is then reflected through the general legislative grants as an increase in the ceiling and is grantable. If another charge was made that did not fall within the regulation, we do not think the separate ratepayer should be required to have an extra charge levied against him that is not grantable.

**Mr. Davis:** What is the regulation of the Ministry of Education for the cost per student for a technical program?

**Mr. Paquet:** We do not have a technical program in our school.

**Mr. Davis:** I know you do not have a technical program.

**Mr. Paquet:** But we purchase education from the Hastings County Board of Education, the Prince Edward County Board of Education and so on. For instance, in the cost of special education, there are factors to a maximum of two, and there are factors for other things we purchase.

As long as the calculation falls within the regulation of the ministry, we add the cost we pay

to our expenditures and our ceiling is increased by that cost. What we are saying is if you want to charge the separate boards the full cost of technical education based on the public boards' interpretation of it, then have the ministry write a regulation governing the cost of technical education.

**Mr. Davis:** Let me put it really bluntly then. What I hear you saying is that if the cost of the service that you purchase from your coterminous board is more than the ministry grants allow, you as the business administrators believe that you should not pay that—

**Mr. Paquet:** No.

**Mr. Davis:** —but the public educational system should pick up those costs for the students who are purchasing that service.

**Mr. Paquet:** No, I am saying that any cost that is transferred to the separate board should be a cost that is recognized for grant purposes.

**Mr. Davis:** Okay. I know what you are saying.

**Mr. Chairman:** would it be feasible to ask that we have some information provided to us? I can find it out but I think it would be easier for ministry officials to supply it for us. Let us be simple. Put it in dollar values for us so we understand it. What are the regulations for the purchase of high-cost programs from a coterminous board, be it special education or technical services? What are the ministry grants for that and what would a public coterminous board generally charge for that, so we can see what the differences are? I have a hunch the differences are significant.

Is the ministry going to make changes in its granting regulations to cover those additional costs? If the government is not going to ensure and the separate school board has problems ensuring the coterminous separate school board, then who is going to pick it up?

**The Vice-Chairman:** The first part of your question, I gather, has been noted. The second part will either be provided by the ministry or the minister.

**Mr. Davis:** That is fine.

**Mr. Meneguzzi:** On Mr. Davis's inquiry, reading the last part of the paragraph on page 4, that is an underlying view that really prevails, that the regulations with respect to calculating the approved costs should be revised. That is the problem that exists currently with special education programs having to do with the retarded, etc.

**Mr. Davis:** I understand it. My concern is who pays the difference. I appreciate you bringing that out.

**Mr. Meneguzzi:** If the calculations were reasonable, then there would be a reasonable expenditure shared by the province and the local ratepayer.

**Mr. Allen:** I would like to come to your concern about the transitional period of four months and the assessment issue. I wonder if you can tell me whether you or your boards have had any discussions with the ministry over this particular issue of the four-month delay in the allocation of assessment, and if so, whether there have been any results of those discussions.

**Mrs. Sweeney:** We are waiting.

**Mr. Fortin:** Personally, our board has not. We talked to the Ontario Commission to Inquire into the Financing of Elementary and Secondary Education and the planning and implementation commission and there does not seem to be too much available at the present time other than when you calculate your Ontario tax foundation plan you need an assessment to pick up your local share. In this case we will not have any assessment to pick up.

**Mr. Allen:** For four months.

**Mr. Fortin:** For four months.

**Mr. Allen:** What happens?

**Mr. Fortin:** We get the grant for 100 per cent. We get additional funds.

**Mr. Allen:** Is it the reverse of the question the public boards have that when the assessment changes it changes totally after January 1 and then they wonder where the money is going to come from for the Catholic students who remain in the system?

I had in my mind that the ministry would make the same arrangements with the Catholic boards in the first instance as with the public boards in the second, so there would be a payback from one board to the other. As you see, there is no provision in the bill that makes any allowance for that and there are no arrangements in existence to provide for it.

**Mr. Fortin:** I did not see anything in writing so far. Maybe there is, but I have not seen anything.

**Mr. Allen:** That is something we have to look at very closely. Are there other costs of a transitional nature that concern you that you also think the ministry should be finding a way to accommodate?

**Mr. Paquet:** There are other costs. For instance, the cost of textbooks for one student in grade 11 having a normal timetable would be between \$250 and \$275. For some, the cost

would be up to \$400, and for some, it would be less.

Where does the separate board get this money to buy all the texts in four months? The normal way of doing business in the schools is we replace textbooks once every seven years. We do not replace them all at once so you have this ongoing little expenditure every year. All of a sudden now, for next Tuesday—and we have already bought them in our case—there will be a large expenditure. The 40 per cent of the secondary ceiling will not cover the initial cost of salaries and so on, compounded by the fact there is no assessment support whatsoever during that period.

We are a little concerned. We do not like to think that at the end of the year every separate school board in Ontario is going to end up in a deficit position and not have any way of recovering the money from somebody next year.

**Mr. Allen:** Is that the only other additional example that strikes you immediately? If there are others, try to communicate them to us. Your people are in those positions to know those costs most intimately and perhaps you could convey that to us.

**Mrs. Sweeney:** As I stated, if there is any way we can be of assistance to you, we have professionals and they are with me today. We are at your disposal at any time, just remember that.

**Mr. Allen:** I appreciate that and want to add that the question of retirement gratuities has been raised in the past and the implementation commission has made representation to the ministries on that. We are going to be looking at the Teachers' Superannuation Act and how it can be accommodated to this situation.

**The Vice-Chairman:** As a former trustee I always suspected the administrators had too much time on their hands.

**Mr. Meneguzzi:** I want to get back to Mr. Allen's question and it was a general one. I understood that all startup costs with respect to textbooks, furniture and fixtures—and that would apply to labs and technical equipment, etc.—would have a very extreme impact on the current operating funds of any board.

**The Vice-Chairman:** Are there any other questions from the committee? If not, I want to thank you very much for coming forward. I am sorry I had to miss the presentation of your brief, but I was on the phone on committee business. I do appreciate your coming to the committee.

The committee recessed at 12:31 p.m.

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Ontario

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Thursday, August 29, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, August 29, 1985

The committee resumed at 2:04 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Acting Chairman (Mr. Reville):** I would invite the Simcoe County Roman Catholic Separate School Board to begin its deputation. Perhaps you could begin by introducing the members of your delegation.

### SIMCOE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD

**Mr. Givens:** On my right is Mr. William Bolger, who is director of education of our board. On my left is Mrs. Mary Jo Quilty, who is the chairman of our secondary school implementation committee and the past chairman of our board. Next to her is Mr. Gabriel Marchand, chairman of our French-language instruction unit committee and also a former chairman of the board.

We are pleased to see the member for Simcoe Centre (Mr. Rowe) sitting on the committee today; it is very timely.

Our board wishes to compliment the legislators of Ontario for their momentous favourable vote on the first and second readings of Bill 30. We want also to indicate our approval and support of the approach taken by this committee to hear publicly from all interested parties on the issues involved in the extension of funding to Catholic schools.

We have prepared a map to depict the extent of the jurisdiction of the Simcoe County Roman Catholic Separate School Board. Our jurisdiction includes the whole of Simcoe county, as outlined by the double blue lines, and also two areas of Muskoka district. These are the town limits of Gravenhurst, shown at the top right side of the map above the Severn River, and Baxter ward of Georgian Bay township, which is the area above Port Severn at the top left.

From Tottenham in the south to Honey Harbour in the north, it is about 103 kilometres by road. It is approximately the same distance from Collingwood in the west to Brechin in the east. There are 37 municipalities within our

boundaries. The population of Simcoe county is 225,000, widely distributed in urban and rural areas. The economy is comprised mainly of agriculture, services, light industry and recreation.

Catholic education is not new to Simcoe county. A strong francophone Catholic settlement has existed in the Penetanguishene area since the 1830s. An equally strong Catholic settlement of Irish descent has been in the Colgan area during the same period.

It would not be remiss to say Catholic education in Simcoe county began with the Jesuit Fathers in the 1630s, some of whom are renowned as the Canadian martyrs. We are proud of our heritage. Today we are equally proud that our Catholic school supporters are made up of a wide variety of cultural and ethnic backgrounds.

We Catholics of Simcoe county do not live nor hold ourselves in isolation from all our neighbours. Conversely, we are highly integrated within the total population in economic, social, cultural and political activities. We will remain integrated regardless of a distinct Catholic education publicly funded to the end of high school.

Our school system has 24 English-language elementary schools, shown on the map by the green dots, with a total of 6,396 students. Our five French-language elementary schools, shown by the blue dots, have 803 students. Our elementary enrolment is 23 per cent of the total elementary students in Simcoe county.

Our school communities serve areas rather than single municipalities. In particular, our secondary schools will serve extensive areas, as denoted by the orange-red boundaries shown on the map.

St. Therasas high school in Midland has been in operation since 1957; St. Josephs high school in Barrie commenced in 1947, and from the beginning of September classes will be held in a new facility just completed. From September 3, 1985, our board will operate grades 9, 10 and 11 at both St. Therasas and St. Josephs.

**2:10 p.m.**

Our secondary school program, recommended by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario and

referenced in the letter of the Minister of Education to our board dated August 13, 1985, includes the operation of four additional secondary schools in September 1985: St. Thomas Aquinas Secondary School at Tottenham, grades 9, 10 and 11; Patrick Fogarty Secondary School at Orillia, grade 9; Jean Vanier Secondary School at Collingwood, grade 9; Holy Trinity High School at Bradford, grade 9.

There will be about 800 students in grades 9, 10 and 11 in our secondary system in September 1985 in comparison to the total secondary enrolment of approximately 15,000 students in the Simcoe County Board of Education system. The effect of funding extension on their system this year is minimal. In fact, their impact statement lists an anticipated decrease of 160 students due to the implementation of our secondary school plan. It is our belief that after a short period of adjustment, both of the secondary school systems in Simcoe county will thrive in a spirit of friendly rivalry.

We have indicated by a yellow dot on the map the location of LeCaron, which is the French-language high school operated by the Simcoe County Board of Education at Penetanguishene. If the francophone community of Simcoe county wishes and so indicates, our board is willing to open discussions with the Simcoe County Board of Education, with the ministry and with the community, concerning the eventual transfer of LeCaron to our jurisdiction.

In our view, there is no need for, or advantage to, consideration of a unified school board in Simcoe county.

It is our belief that provincial grants and local property taxes wisely spent on the education of our children is the best investment that can be made for the future of this province.

**Mrs. Quilty:** I thank the committee for the opportunity to appear before you on behalf of the Simcoe County Roman Catholic Separate School Board.

I have been a trustee on this board for 13 years and currently am the only woman member on the board. I serve an area, Midland, that has had Catholic education from junior kindergarten to grade 13. I am a parent and all of my children have attended or are attending the separate school system.

I will speak to one area of our brief, that of catholicity in our schools. In his statement to the Legislature on Thursday, July 4, 1985, the Minister of Education stated: "The distinctive mission of the Roman Catholic separate school system must be maintained. The government

sees the completion of funding as a major contribution to preserving the unique mission of the Roman Catholic secondary schools."

What is this distinctive and unique mission? The distinctive and unique mission of the Catholic school is to strive "to develop gospel values in students which provide a critical and analytical conscience enabling the students to judge economic theories and political and social systems accordingly."

We strive to build that Christian community where students, teachers, parents, trustees and priests experience a loving, caring, sharing relationship and grow in their love of God and neighbour and service to their fellow man. This is the mandate of the Simcoe County Roman Catholic Separate School Board. This is what the parents expect from us as trustees. We can do no less than to build that school community.

The statement of philosophy of the Simcoe County Roman Catholic Separate School Board states that our basic purpose is "that as the baptized person is gradually introduced into a knowledge of the mystery of salvation...he may be trained to conduct his personal life in righteousness and in the sanctity of truth," that parents are "the first and foremost educators of their children," and that in order to assist parents in educating their children, "the Catholic community has expressed its right to establish a Roman Catholic separate school board."

Our statement of philosophy speaks to the role of the teacher in a Catholic school and the importance of that vocation: "Beautiful and truly solemn is the vocation of all those who assist parents in fulfilling their task and who represent human society as well, by undertaking the role of school teacher. This calling requires extraordinary qualities of mind and heart, extremely careful preparation and a constant readiness to begin anew and adapt. The ultimate goal to which teacher and maturing student should aspire is that of being signs of Christ's presence in the world, instruments of His peace and manifestations of His incarnate love."

Therefore, the ongoing preparation of the teacher must continue in all areas of his vocation, professionally, academically, socially and spiritually because: "As a staff member in a Catholic school, the teacher must become the visible and active channel through which a community of faith can grow. Personal faith life must be shared with fellow staff members and students."

Our statement of philosophy also speaks to the role of the priest as a "resource person and teacher, a leader and a tone-setter. The shepherd

of the parish flock, he provides a vital spiritual link with parents."

We have quoted extensively from our statement of philosophy because we wish you to know that we are aware of our distinctive mission; that it has been the ongoing aim and objective of this board and its supporters and, indeed, that of our parents and grandparents before us, that our school become a Christian community.

We want you to understand that we are not a divisive influence but a unifying influence teaching the brotherhood of man under the fatherhood of God. We are not a better system but a different system, not isolated but distinct in our mission of teaching those Christian values to our students that will enable them to build a community of love and service to others.

"Only in the open and trusting interaction of concerned adults, children and adolescents, all in the process of becoming who they were meant to be, can the aims of Christian education be realized. As the child internalizes the Gospel values, he becomes an active contributor in the community. It shall be the ongoing purpose of the Simcoe County Roman Catholic Separate School Board to bring each unique child to responsible membership in the community."

**Mr. Bolger:** It is naturally a pleasure to be given the opportunity to comment with regard to one facet of our brief; namely, co-operation. In doing so, I would like to preface my remarks by saying that perhaps we should not take ourselves too seriously.

There is the odd one of us still engaged in educational administration who was in place when county school boards were introduced in this province. There was the same pattern of announcement followed by legislation, a scurrying to be ready and just the odd expression of resistance to change. I consider it a privilege to have been part of both these changes in Simcoe county.

Our board adopted its extension plan as early as January 2, 1985. Some 600 copies of the plan and 10,000 copies of two newsletters have been distributed throughout the county. A joint board meeting helped to provide information. A joint staff committee is prepared to meet and talk at any point. We said very early that we recognized our joy at extension presented a feeling of job insecurity for some. We recognized we had a responsibility.

A couple of understandings: (1) Our existing two schools have been growing steadily, and we have always hired teachers on behalf of the private authorities where growth is also apparent.

(2) Purchase arrangements with our neighbour, the York Region Roman Catholic Separate School Board, were coming to an end because of overcrowding there; we would be hiring for students who would be repatriated, never having been in the Simcoe County Board of Education schools.

We had ample elbow room to more than fulfil our responsibility. That responsibility was expressed by the Simcoe County Board of Education as 10 staff, representing the 160 change students.

**2:20 p.m.**

In fact, we engaged a total of 37 new teachers for our secondary panel this spring in the following pattern: from the Simcoe County Board of Education secondary panel, 14; from the Simcoe County Board of Education elementary panel, 1; from the Borden Canadian Forces Base Board of Education secondary panel, 1; from the Borden Canadian Forces Base Board of Education elementary panel, 1; interpanel transfer within our own system, 9, with subsequent replacement into our elementary schools; from other boards, 4, and from faculties of education—that is the new blood—7.

Three secretaries have transferred to us from the Simcoe County Board of Education. I understand this spring we have engaged two elementary teachers previously with the Simcoe County Board of Education and one from the Penetanguishene Protestant Separate School Board.

All this was achieved on a voluntary basis, by circulating position advertisements in our neighbouring boards' schools. That advertising began in mid-January in order that we might have four new principals in place by February 1. These people came to us on a voluntary basis knowing we would be fair with them on the salary and benefits front, in accordance with our articulation statement.

It is our suggestion that the legislation make provision for voluntary transfer of staff before the designation clause is used. It is our observation, as well, that perhaps the 10-year period will not be required. We have a sense that about five years down the trail things will have stabilized. Perhaps the commission should be empowered so to declare at the mutual suggestion of coterminous boards.

Thank you for committing so much of your summer on behalf of the young people of this province.

**Mr. Marchand:** When the history of extension of grants to Roman Catholic separate

schools is discussed, inevitably the Tiny township case is quoted. I have served as a trustee from Tiny township on the Simcoe County Roman Catholic Separate School Board since 1969. I was privileged to serve as chairman of the board in 1979-80. I am currently one of two French-speaking trustees who represent Tiny township and the town of Penetanguishene.

It is our boast that we have been able to accomplish a great deal on behalf of the French-language students in our jurisdiction over the years. Our French-language instructional unit committee, which I chair at present, as the chairman stated, has been accepting increasing responsibility for governing the affairs of our French-language students.

I join with my fellow trustees in expressing appreciation for the introduction of this legislation, albeit a few years after some of my forefathers might have suggested it. Our board has indicated in its plan that it would be pleased to co-operate with the en bloc transfer of École Secondaire LeCaron in Penetanguishene if that should be the wish of the people in that area. No doubt those discussions will begin as trends become apparent around the province.

En bloc transfers will always have to be with the understanding that some of the students enrolled in French-language secondary schools may not be Roman Catholic. Where numbers are small, such as in our area, adjustments to reality will have to be made. Where numbers are sufficient, public French-language secondary schools can be expected.

Our chairman has given you the understanding that we are a board which, of necessity, operates small schools. That is a matter of geography. However, we have tried our utmost to provide equality of opportunity for all young people in the board's schools. Over the years, we have welcomed provincial assistance in the form of small-school weighting factors which makes that possible. Doubly welcome has been the assistance provided by French-language instructional unit grants in this regard. Equality of opportunity costs a little more. It is our hope that equality of opportunity for all students will one day be a reality. Bill 30 is another step in that direction.

Regrettably, one step has not been taken at this time. The desire of francophones to govern directly the education of their children remains outstanding. In the same way as we have watched the evolution of the full-funding issue, the members of our board have participated in discussions on the question of governance of minority-language education. Its time has also

come. We urge this committee and the members of the Legislature to consider means of creating a climate in which francophones will be able to flourish in their own language and culture.

Merci.

**Mr. Callahan:** I gather from the combined statements of Mr. Bolger and Mr. Givens that considerable steps have been taken with reference to hiring, children and so on since the announcement in June 1984.

**Mr. Givens:** Yes, sir.

**Mr. Callahan:** They are ongoing?

**Mr. Givens:** Mr. Bolger could answer that better than I can. Our staffing arrangements for our six secondary schools that will be operating in September have been completed.

**Mr. Callahan:** They were made on the basis of the extension of the funding?

**Mr. Bolger:** The simple answer would be yes, but there is a little bit more involved than that. The indication from York region was that they were not able to house our students any longer. Therefore, we were going to have to repatriate our grades 9 and 10 students at least from York. We would have been doing that whether funding had been announced or not. Obviously, we took the announcement of funding on faith and we have been moving forward with that understanding.

**Mr. Callahan:** Perhaps it is an unfair question, but can you give me some idea what number of children would be disappointed when school opens?

**Mr. Givens:** Would be disappointed had the extension of funding not—

**Mr. Callahan:** Yes.

**Mr. Givens:** The total number of children in our secondary system as of September will be 800. Some of those were existing students in our system. Some of them came from York Region Roman Catholic Separate School Board, as Mr. Bolger has indicated. Approximately 160 students, therefore, are entering our system who would possibly have been going into the York separate school system.

**Mr. Callahan:** Could you give me numbers with respect to staff who have been brought on as a result of the statement that was made in June 1984?

**Mr. Bolger:** First, the number of students we had in our secondary schools in 1984 at the grades 9 and 10 level would have been 330. As the chairman has indicated to you, we are looking at 820 for 1985. That is in grades 9, 10 and 11.

That is roughly 500 new students, at least students whom we will be educating within our boundaries. Dividing 500 by, let us say 16, must be about 30 teachers.

**Mr. Callahan:** This may be a unique situation in Metro Toronto, but does the separate school system in your area currently have vocational or technical courses in their schools?

**Mr. Bolger:** The question of full program is probably the most interesting question of this whole exercise. I would suggest that it would be very desirable if the Legislature could commission a study immediately on what technical education is required for those students who are enrolling this year in junior kindergarten and will graduate into the 21st century.

In our new school in Barrie we will be offering an industrial arts program. This is the program to which we were limited initially as an intermediate school. It is our intention, as we move down the trail, to develop appropriate technical education for our students. I am not sure anybody truly knows what appropriate technical education is today. That is the question we will be addressing in the next year or two.

**2:30 p.m.**

**Mr. Callahan:** I am not sure if that answered my question. I understand from the submissions made by the Toronto Board of Education this morning that the separate schools in the metropolitan area do not have within their system vocational or technical facilities. They purchase them. Is that the same thing within your community?

**Mr. Bolger:** You are now into technical education and such things as shops, automotive, electrical and so on. No, we do not have those in place. The possibility of purchasing is there and it is a part of what we will be addressing. Our concern is that perhaps we should be looking forward rather than backward.

**Mr. Callahan:** Do you see as contained within the definition or characterization of the Catholicity of the schools, that those types of services might be purchased outside the school without affecting the definition of Catholicity of the schools?

**Mr. Givens:** Certainly, the purchasing of programs such as technical, as you are suggesting, would not be a great detriment to the Catholic education of the student. As well as purchasing of programs, we are looking at the possibility of having technical training gained by a co-operative education system.

**Mr. Callahan:** That answers my question.

**Mr. Davis:** On technical education, would it be the intention of your board of trustees to be entering understandings that there are new guidelines coming from the ministry into what I would call more high tech for your vocational program, rather than what some people in this committee have termed hard shops, that is, automobiles and metal? How do you then deal with the fear being expressed constantly in front of this committee that if the separate school moves into that jurisdiction, the public school system will become the catch-all for students who are hard to serve and find themselves taking the hard-shop programs?

**Mr. Givens:** We do not expect to dump people who are hard to serve into any other system. It would be our responsibility to look after them. We can do that possibly by purchasing, by our own program or by co-operative education.

**Mr. Davis:** But if you move through the co-operative educational program and your students pick up that experience in the industrial sectors of society, the already declining programs the public system is finding in its vocational and technical programs are then more seriously eroded.

**Mr. Givens:** This is an excellent time to take a look at technical training overall and see where it is at and where it should be going. That is where we are at. I do not know if I am hitting the point.

**Mr. Davis:** You are hitting the point. It is the point that we seem to be able to clarify as we go across the province. As I understand the direction, when there is a high-tech program in your school jurisdictions, there is an academic quality attached to high tech. In the high-tech programs I have looked at there is usually a standard of excellence before one can be admitted, some kind of percentage, either 75 or 80, because of the dynamics of high tech.

The concern coming to us from the public education sector is that will create an elitist system with respect to the delivery of technical programs because you are on an expansion aspect of now entering for the first time into vocational and technical programs. The public educational system now finds itself strapped with old models. We have been informed there is not going to be a duplication of services. I would like you to comment if that is what you see.

**Mr. Givens:** What I see is our responsibility and desire to serve all of the levels of students who come to us, whether they be high-level

academic, technical or lower. We want to serve them all.

I am sure Mr. Bolger is anxious to get into the discussion, and he wishes I would stop right now.

**Mr. Bolger:** I am not sure the discussion can be resolved in this room this afternoon, and that was my suggestion to the committee. It is time we used the brainpower on Bloor Street, at the Ontario Institute for Studies in Education.

**The Acting Chairman:** I am glad you clarified that.

**Mr. Bolger:** Let us determine where we should be going, because we surely should not have youngsters today in obsolete programs. That does not make any sense.

**Mr. Lane:** I have just one short question, Mr. Givens. In your presentation, on page 3 you say, "In our view, there is no need or advantage to the consideration of a unified school board in Simcoe county." During the period of time we have been holding hearings, the feeling has been expressed on some occasions that if there were such a board in any given part of the province, it would make things simpler and would help to satisfy the situation they are faced with. You are saying here very soundly that there is no need for it. Can you tell me how you arrived at the particular feeling that there is no need for it?

**Mr. Givens:** We have a board in place. I am not ignoring the other board. There are two boards in place in Simcoe county—let me put it that way—each doing its job to the best of its ability to serve the students who come to the board. We have had experience with secondary schools, as we have shown. We are able to serve, and we will serve in September, the whole of our jurisdiction and we will grow. Therefore, we see ourselves as doing the jobs we have been elected to do; so to us there is no advantage in combining operations.

**Mr. Lane:** Can I assume that there has been some discussion, some debate with the public board?

**Mr. Givens:** On that point?

**Mr. Lane:** In other words, you are getting along just great or you are not talking? That is what I am asking.

**Mr. Givens:** As a matter of fact, on January 14 we had a combined meeting of the two boards at which there was a free flow of questions and answers. We are prepared at any time to meet with them, either on the administrative or the board level, to work out any problems.

From 1969 until about a year ago, we occupied the same building with the other board administration. Both of us simply grew too large to be contained within the one building, and that is the reason we are now separated. But there has been a history, in our minds, of co-operation.

**Mr. Lane:** That is what I wanted to hear, that you were not just each going your own way without some dialogue with the other.

**Mr. Givens:** As I indicated, I think after a period of adjustment both systems will flourish. It is not going to be disadvantageous to either system.

**Mr. Lane:** We wish more groups would feel the same way.

**Mr. Callahan:** This is not legitimately a supplementary, Mr. Chairman. We had some comment this morning from the Toronto Board of Education about its concern with the forum under section 136x for finalizing disputes over the transfer of property.

They indicated, as I recollect, that they were not content with that; in fact, Mr. Davis put it forward as a position of his party that it would be looking for a hearing by a political person, i.e., the minister.

**2:40 p.m.**

Do you find any difficulty with the board or the tribunal that is dealing with that being the tribunal set out in section 136x, having the additional right of gaining a rehearing by petition to the Lieutenant Governor in Council?

**Mr. Givens:** Was the reference to section 136x?

**Mr. Callahan:** As I understand section 136x, if the two boards cannot agree on a transfer or any other aspects of the transfer, they can refer it to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario as a tribunal that would then hear and decide the issue one way or the other. After that, there are certain mechanics in terms of the order being implemented by filing with the Supreme Court of Ontario. There is a further right of petition for a party to the proceeding applying to vary or rescind all or any part of the decision of the order. That is by reason of the Lieutenant Governor in Council.

I believe a school board this morning—I hope I am not misquoting them—had some concern about the fact the decision was going to be made by a board that was not politically accountable. Does that position cause you any concern or are you happy with the way the legislation is drafted?

**Mr. Bolger:** I should not talk politically, but I will a little. I suggest Simcoe county serves the migrants from Metropolitan Toronto, and because we serve them we are scarce on buildings. It is our expectation that this particular clause will probably never have to be used in Simcoe county and, therefore, we have not studied it carefully.

**Mr. Callahan:** I see.

**Mr. Givens:** From my point of view, I would have no objection to the tribunal being the commission.

**Mr. Reycraft:** I am interested in learning a little more about the four new secondary schools that are going to begin operation next week in Tottenham, Orillia, Collingwood and Bradford. Could you tell us a little about the enrolment you expect to have in those four schools and what kind of program you are going to offer?

**Mr. Bolger:** The school in Tottenham will operate on a grades 9, 10 and 11 basis. It will have 59 grade 9 students, 44 grade 10 students and 41 grade 11 students, the last two grades representing repatriation from Newmarket. The other three will operate only grade 9 programs in 1985 and will go through to Ontario academic courses over the next four years.

Holy Trinity in Bradford will have 55 students, Jean Vanier in Collingwood will have 39 students, and Patrick Fogary in Orillia will have 37 students. It would be our expectation that they will grow to approximately 400 to 500 students in each situation. The town of Bradford is currently at 7,000 people and is the terminus for the GO train, will probably double to 14,000 people. I expect that school will double in size between now and the turn of the century. It would be our expectation that one of the major debates that will occur in our board is whether that school of 500 students should be increased to 1,000 students or whether a second one should be started, which would be 500 students.

**Mr. Reycraft:** That last comment is interesting in the light of what we have heard about viable secondary school units in some other jurisdictions, but it is one I do not really have any argument with.

At a school such as the one in Orillia where you have 37 grade 9 students, will you be offering courses at advanced, general and basic levels?

**Mr. Bolger:** Yes. They may well be delivered in the same classroom. It is possible to combine levels in the same classroom.

**Mr. Reycraft:** How will you respond to the requirements of the Ontario Schools, Intermediate and Senior Divisions guidelines with respect to technical education for students in that school?

**Mr. Bolger:** That is part of the answer that I gave earlier. We will respond and it is our commitment and plan to determine in the 1985-86 school year how education will be delivered in order that, by the 1986-87 school year, we will have sufficient programming in place to satisfy the requirements of OSIS.

**Mr. Reycraft:** What sort of facilities do you have for those four schools?

**Mr. Bolger:** As I indicated to you earlier, the capital expansion needs of our board are fairly significant. At the moment we have some 50 portable classrooms in a jurisdiction which has only 7,400 youngsters. That represents about 1,500 youngsters in portable classrooms.

It is not unusual, therefore, to solve our problems in unusual ways. We have been discussing with the regional office of the ministry an approach to rent or to purchase accommodation as a stopgap until the complete capital needs can be met in the province. We recognize the difficulty in the province. We had something like \$14 million on list for construction last fall.

The reason I shifted the question of program to Bloor Street was that I am preoccupied with accommodation and have been for years. Mind you, my superintendents are here and they might complain if I say it that way, but I think that is why, nevertheless.

**Mr. Reycraft:** Is the accommodation at Collingwood, for example, all in portable classrooms?

**Mr. Bolger:** It will be demountable actually, yes.

**Mr. Reycraft:** Is there an existing public secondary school in Collingwood?

**Mr. Bolger:** Yes, there is.

**Mr. Reycraft:** How many students are in it, do you know?

**Mr. Bolger:** The director of the board of education is here, we could get an accurate statement on that if you wish. It is about 1,400.

**Mr. Reycraft:** That is close enough, thank you; and Tottenham?

**Mr. Bolger:** The Tottenham area is served by Banting Memorial High School in Alliston and I expect its population would be about 1,700 or 1,800.

**Mr. Reycraft:** Is there no public secondary school in Tottenham?

**Mr. Bolger:** No.

**Mr. Reycraft:** I have another line of questioning. Were any of the 14 teachers who voluntarily transferred to your board from the public board non-Catholic?

**Mr. Bolger:** To the best of my knowledge, those who transferred are all Roman Catholics.

**Mr. Offer:** I would like to ask a question with respect to the co-operation between the boards at this time. You said the initial meeting was held on January 14 of this year. Can you give me some idea as to how that meeting came about? Was it a meeting of all the members of the boards? What was on the agenda and what has transpired since then?

**Mr. Givens:** The meeting on January 14 was a meeting of the full membership of both boards. That came about from a preliminary meeting between the two directors of education about what avenues could be taken to ensure a free flow of information between the two boards, both on the administrative level and on the board level. Does that answer your question?

**Mr. Offer:** It is indeed an answer, of course. Has there been any meeting subsequent to January 14, now that eight months have passed?

**Mr. Givens:** There have been meetings between the administrators of our system and the administrators of the other system on details of the impact of our expansion into secondary schools on their system.

There has been from January until now no real need for another meeting of the two boards. There is no unresolved issue between us.

2:50 p.m.

**Mr. Offer:** Have you discussed, for instance, how to decide, in the event there was any teacher redundancy, on a formula acceptable to both boards?

**Mr. Bolger:** As we indicated earlier, the agreement stated that if students come to us who would normally have gone to the board of education, we will hire from the board of education staff equivalent to that number of students on a ratio of 16 to 1, which is their ratio.

**Mr. Offer:** Have you discussed the possibility of sharing space with a strategic coterminous board?

**Mr. Bolger:** We would be pleased to discuss sharing space if either of us had any space to share. Things are a little difficult in Simcoe county from the standpoint of accommodation. That is simply because of the migration factor.

**Mr. Offer:** If I might go to a different type of question with respect to the catholicity of the school. As you know, under the bill there is the possibility there may be designated teachers to be hired by the Roman Catholic board who are of non-Catholic faith. I allude to the statement at the bottom of page 2 in the pink brief: "The teacher must become the visible and active channel through which a community of faith can grow. Personal faith life must be shared." As a general question, do you expect that the catholicity of the school may be affected through the hiring of non-Catholic teachers?

**Mr. Givens:** We have in some of our elementary schools some excellent teachers who are non-Catholic. That does not affect the catholicity of those particular schools.

**Mr. Offer:** Do they subscribe to the Catholic ethos?

**Mr. Givens:** Above all, they are excellent teachers.

**Mr. Offer:** That is the most important thing.

**Mr. Givens:** They are good-living people and are examples to the children in that way. They are fulfilling the role we require of them. They are not required to teach religion nor to participate in the sacraments.

**Mr. Offer:** In your experience, have any of these non-Catholic teachers been promoted to a level as principal?

**Mr. Bolger:** No, that has not occurred.

**Mr. Offer:** How long to your knowledge have some of these teachers been in the system?

**Mr. Bolger:** Most of the people to whom the chairman refers would probably have come to our schools in the expansion years, primarily through the late 1960s and perhaps into the early 1970s. It had to do with supply and demand at that point. We would not expect that someone who would not be a Roman Catholic would be a principal of one of our schools. That would not ring with us, I do not think. After all, that is the be-all and the end-all of the system, which I think is what Mrs. Quilty was saying.

**Mr. Davis:** Previous questions have addressed the issue of sharing. You tell me you are in a growth process in Simcoe county and that therefore at present this is not a concern.

In the jurisdictions where you are considering establishing new schools or where you will establish them in the future, what is your feeling about the situation in areas where there currently exists a single public secondary school, where there is an intention on the part of the cotermini-

nous board to establish a secondary school, where there are 500 students in the school and where identification shows there are approximately 225 Catholics?

For the benefit of the students, do you think it is a sound educational decision to create a coterminous secondary school, understanding the importance of delivering a viable educational program?

**Mr. Bolger:** It is a difficult question and I am not sure I can answer it. One reason is I think the other question that is unanswered is the business of just what is an appropriate size of school. I can believe the possibility that a school of 225 youngsters is far better than a school of 2,000. I could believe that any day of the week. You limit your program in accordance with the number of youngsters you have.

**Mr. Davis:** When one considers the OSIS requirements, it is very interesting, as Mr. Reyecraft pointed out—I am not sure he pointed it out with great glee but it is interesting—that in Bradford in your area the decision is whether to go to 1,000 students or whether to build another secondary school for 500. That seems to indicate that for the educational delivery of program, you somehow believe 500 has importance in respect to delivery of program.

**Mr. Bolger:** I guess my 500 is more closely related to my desire to deliver from a teaching standpoint.

**Mr. Davis:** That is all I need to know.

**Mr. Bolger:** In other words, I am not sure we are teaching subjects; I think we are teaching students. If I know them by their first names, I will teach them better than if I do not. That is the philosophy of our board.

**Mr. Davis:** I accept that.

**Mr. Bolger:** There has been pressure on occasion to increase our elementary schools beyond their current size and we have said we would prefer to deliver in another area of the city or in another part of the jurisdiction.

**Mr. Davis:** I have a final question you may not be able to comment on, and I would understand that. If there were an opportunity in those areas to share facilities between two coterminous boards, would you accept a premise that said you would have a management board to look after that jurisdiction?

**Mr. Bolger:** I suppose so. We have a long history of sharing in our county, but we share the things that are simple to share. The transportation thing is easy. At times, it may be possible to share staff and so on. When you get into the

business of sharing buildings, you get into what it is all about. It is a Roman Catholic separate school system.

**Mr. Davis:** I used to be in charge of Beeton, Tottenham and Palgrave, so I am well aware.

**Mr. Bolger:** I am sure you are.

**Mr. G. I. Miller:** Along the same line of growth areas, we are speaking about sharing. What about recreational facilities such as sport fields and swimming pools, which can play an important role in the community in the training of our young people? Is any thought being given to planning new schools that utilize one recreational facility?

**3 p.m.**

**Mr. Givens:** We have been moving in that direction, although more on sharing with the community than another school because I do not think any of our schools is absolutely adjacent to another school and therefore it is difficult. We have been looking at sharing recreational facilities with the community. That has already taken place with our elementary school in Tottenham. We have in mind in Orillia, for example, the possible sharing of a sports field with the community in a park that already exists. If they were adjacent to a board of education school, the recreational facilities would be an excellent thing to consider sharing.

**Mr. G. I. Miller:** It certainly would make a community work much more closely together. Competing on the sports field is a great way to bring a community together and to keep that competition going. In a new growth area, it seems to make sense. Maybe building smaller units would work, as you said.

**The Acting Chairman:** Would you agree?

**Mr. G. I. Miller:** Would you agree to that?

**Mr. Givens:** Yes.

**Mr. Davis:** In building the new schools in the new areas that you are proposing, would the public school jurisdiction be looking for new space in those areas as well?

**Mr. Givens:** I do not believe so, not in those.

**Mr. Bolger:** Only in the Bradford area, I think.

**Mr. Davis:** Has any consideration been given to this very innovative concept, proposed back in 1978 in the Scarborough board, that you might build a building jointly to begin with?

**Mr. Bolger:** Their need in Bradford would be for an elementary school and we are talking secondary.

**Mr. Davis:** You said there are places across this province where elementary and secondary schools are combined.

**Mr. Bolger:** A few.

**Mr. Davis:** Do you think it would at least be worth exploring?

**Mr. Bolger:** Actually, what will develop in Bradford is that we will have an elementary school site there, there will be a piece of park land and the board of education will have an elementary school site there as well.

**Mr. Davis:** That is good. You will share playgrounds, lunch hours and professional activity days?

**Mr. Bolger:** Not the playgrounds—whoa, back off—but the PA days, yes.

**Mr. Davis:** That is an open area?

**Mr. Bolger:** Yes, it would be.

**Mr. Davis:** There will not be a fence down it, dividing it.

**Mr. Bolger:** No, and we both would like to have a building there right now.

**Mr. Davis:** Okay, but do you think there is a possibility? Do you think it has any credence?

I am beginning to see that there is a variety of concerns across this province where there are areas in growth. In those areas, somebody in power has to make some decisions about building new buildings. I am not ignoring that reality, but what I am looking at is whether, if they are in areas of growth and if there is growth in both the separate system and the public system, it is possible to build one building that accommodates both. Do you think it is worth exploring?

**Mr. Bolger:** I think it is worth exploring, but I would also suggest my reading of the demography is that if a Roman Catholic school is built here, a cluster of Roman Catholics seem to gather around it to buy houses and so on, and the same would be true with regard to a public elementary school. Perhaps we serve the people better by doing it that way. That is also possible.

**Mr. Davis:** I was being strictly economical when I asked the question. It is easier.

**Mr. Bolger:** I will always listen to the economic arguments.

**Mr. Allen:** I will not detain you much longer. You have had a heavy round of questions and I think most of the relevant questions have been asked.

I want to come for a moment to teacher protection. I look at the report of your articulation committee and I see that you have an

agreement fairly well worked out at this point with the other board.

I note on a couple of points it departs in some measure from the intent and comprehensiveness of the terms of Bill 30 and I want to ask you about them. With regard to transferring a teacher's salary, you indicate it is to be transferred at the existing public board level, but for one year only.

While some have read the provision of the bill to mean that this indeed was to be the case, in point of fact our understanding from the ministry was that it was really intending to red-circle in a traditional fashion, so the teacher would begin at that salary level and stay at that level until the separate grid caught up with him. Is that your intent, or do you intend that a teacher would step back to your grid after the first year was completed?

**Mr. Givens:** First, the articulation agreement was worked out in advance of any knowledge of the bill. It was not intended to be at variance.

**Mr. Allen:** I asked if you had any problem with that other concept.

**Mr. Givens:** Our contract with the teachers states no teacher shall receive less in the current year than he or she did in the previous one. That is in effect. When they come with their present level of salary, they would not be reduced from that.

**Mr. Allen:** Your agreement would lock them in at that level until your grid caught up with them. That achieves the same thing.

I do not notice anything with respect to promotion specifically. I imagine you would answer again your existing contract provides that once on your board, with their seniority, etc., in place, they would then move through the system in a normal fashion and be eligible for promotion to positions of added responsibility.

**Mr. Bolger:** Yes, but let us never assume experience is the only criterion for appointment.

**Mr. Allen:** I recognize various posts have their own cluster of qualifications. Assuming that, and that they acquire those things in time, then there is no problem in your mind with a transferring teacher being promoted and moving into positions of added responsibility.

**Mr. Bolger:** It is my belief that a Roman Catholic would be required to be the principal of one of my schools. There is no question in my mind about that.

**Mr. Allen:** What about a music supervisor?

**Mr. Bolger:** There is ample room for promotions on the programs side of the house.

**Mr. Allen:** Board consultants?

**Mr. Bolger:** Yes.

**Mr. Allen:** You have no clause with respect to religious discrimination. You note there is one in Bill 30. Does that give you any problem?

**Mr. Bolger:** The suggestion I was making was that we should always be careful about suspending rights by legislation. I suggest the sooner we can get out of the business of suspended rights, the better off we will be. I suggest perhaps something of that nature would be better dealt with by regulation, and perhaps by granting some authority to the commission to manage it on an individual basis. That is my only comment on discrimination.

**Mr. Allen:** May I read that also in the light of your experience with non-Catholic teachers to date; you have had no difficulty in that respect?

**Mr. Bolger:** That is true. We have not had.

**Mr. Callahan:** May I correct two earlier references of mine, which a lady in the audience very kindly advised me of? It is not with reference to this delegation. I referred to the Metro Toronto Board of Education instead of the Toronto Board of Education, and I mentioned the Toronto Board of Education as having taken some exception to section 136x of the act. That was not correct. That was the Wentworth County Board of Education. It is due to advancing age that I made those errors.

**The Acting Chairman:** Thank you for correcting them so quickly, so we did not advance in age too much.

**3:10 p.m.**

DAVID PRICE

**The Acting Chairman:** Mr. Price is next; exhibit 547.

**Mr. Price:** It probably feels like 1,547.

The focal point of the statement from the static display on human rights to be found here in this Legislative Assembly building reads, "The true civilization of man is largely measured by the controls imposed upon the abuse of power."

I am pleased to present this brief to you on my own behalf. While I am employed as the youth and educational ministries co-ordinator of the Anglican Diocese of Ottawa, the views expressed in this document represent my own views and do not necessarily represent those of the diocese of Ottawa.

I wish to give my qualified support to the extension of public funding to the separate schools of Ontario by the people of Ontario. I wish I could give unqualified support but I am

unable to do so at this time for a number of reasons.

Before studying for holy orders within the Anglican Church of Canada, I studied political science. One of the grounding principles of our democracy inherited from the British parliamentary system is that of the rule of law, which in essence says that no one person or institution is above the law in a democratic state. This principle powerfully applies to those who hold the public trust; in this case, the members of the Legislature of Ontario.

In 1982, we in Canada received the Canadian Constitution, the Constitution Act, 1982. On April 17, 1985, the Charter of Rights and Freedoms of the Constitution came into effect, guaranteeing certain freedoms to individuals living and working within Canada. The charter forbids discrimination for or against people based on religion, marital status, race and a number of other factors.

It is my impression from reading the proposed Education Amendment Act, 1985, that no safeguard provisions have been written into the legislation protecting the individual rights and freedoms of all people who will be employed in or educated by this new public institution that will be created by Bill 30; namely, a separate kindergarten-to-13 system of education which is publicly funded.

Specifically, subsection 136l(21) and subsection 136o(15) seem to eradicate the power of the Human Rights Code, 1981, section 23. By implication, these sections of the proposed legislation empower the administrators of this act to discriminate legally against individuals who will be employed by this new public institution as well as those who might be educated by it. Legalized discrimination by a public institution is a dangerous precedent in democratic Ontario at any time or in any place, but especially in an institution which seeks to educate young minds.

Before the proposal of the extension of full funding to the separate system of schools, this institution was a quasi-private institution. It is apparent that full funding will mean the transition of the private institution into a public institution. This change means the separate system must be governed by the same provisions as govern the current public system of education.

As representatives of the public trust which you are sworn to uphold through your oaths of office, I am saddened on your behalf that the drafters of this legislation which we are all reviewing did not see fit to write in clauses that would ensure the antidiscrimination provisions

of the Charter of Rights and Freedoms of the Canadian Constitution would be adhered to.

With the current drafting of Bill 30, the principle of the rule of law is under attack and in jeopardy. The upholders of the public trust, the legislators of Ontario, must never knowingly violate the sacred trust given to them by all the people of Ontario. No public funds must ever be issued to any person or group which will later use these public moneys to support an activity or institution that might break the law.

To discriminate for or against people because of their religion, sex, marital status, race, etc., is against the law. The law of Canada supersedes provincial laws and the internal laws, regulations and policies of private and quasi-private institutions that receive public moneys. Some may want to argue that the law of God, as interpreted by various religions and religious denominations, supersedes the law of the land.

As an Anglican priest, I have a lot of sympathy and understanding for that argument. However, Christian tradition is clear and strong that Christians must obey the law, which in 1985 includes the Charter of Rights and Freedoms of the Canadian Constitution.

It is also clear that a legislature may not enact legislation that violates the fundamental principle of the rule of law. We live in the pluralistic society of 1985 where a person's private beliefs are private and where there can be no longer any claim to a homogeneous society. Modern Ontario is not composed of Catholics and Protestants who all go to church. Life in 1985 is not as simple as it was in 1841. Many persons of non-Christian backgrounds live in Ontario. At the same time, sadly, many persons whose heritage was Christian no longer profess any belief. While this reality bothers me, it is my Christian duty to uphold their rights of nonbelief and nonpractice.

Public funding for the purpose of the education of one parochial group, the Roman Catholics, is a guaranteed right in Canada. However, to draft legislation which does not account for the realities of modern Ontario, including human rights safeguards for all citizens, no matter what their lifestyles, including those working and learning in the new separate public education system, is bizarre. We live in a very heterogeneous, mosaic-like environment.

Legislators must uphold our open, free, democratic society where church and state are separate and where there is one set of laws equally applicable to all citizens. It must be a stated principle of all written legislation that those in receipt of public funds doing public

business, such as education, must be willing to abide by the laws of the land, which include the Charter of Rights provisions of the Canadian Constitution.

It is the trust of the people of Ontario that our legislators will uphold the law when they formulate and enact new laws. No religious institution, group or body which is in receipt of public moneys, be it Anglican, Baptist, Hindu, Jewish or Roman Catholic, has the right to enforce its parochial laws and policies in defiance of the law of the land within any activity that is publicly funded.

To discriminate is to break the law. In breaking the law, the group forfeits the right to receive public funding and such funding must be terminated at once. To propose legislation which does not include antidiscrimination provisions is a dereliction of your public trust received from the people of Ontario. This is 1985, not 1841. We live in pluralistic Ontario, not parochial Upper Canada or Canada West. Your responsibility as legislators is to uphold the pluralistic balance of our province through the public trust in the rule of law.

I boldly propose for your consideration the following amendment to the legislation, as section 136z:

(1) That all in receipt of funds made available by this legislation must fully abide by the antidiscrimination provisions of the Charter of Rights and Freedoms of the Canadian Constitution Act, 1982;

(2) Failure to abide by the Charter of Rights and Freedoms provisions will result in the termination of funds provided for by this legislation.

If you, the members of this committee studying the proposed legislation, would make an amendment to that effect, it would establish a valuable precedent which would do much to help young people and others regain faith in the public institutions of government.

With such an amendment, I would lend greater support to the legislation for some of the many reasons so eloquently presented to you by other speakers. The spirit of my amendment is vital, for the question is pluralism or parochialism. The principle is that fundamental one of the rule of law as seen in the light of 1985.

**Mr. Gillies:** Reverend Price—I hope I am addressing you correctly.

**Mr. Price:** I do not get hung up on titles. I was baptized David and I always tell my friends I do not care what they call me so long as it is not too late and not too blasphemous.

**Mr. Gillies:** I appreciate that, sir. I am an Anglican myself and I do not care what people call me as long as they remember my name at election time.

**Mr. Price:** A good line.

**3:20 p.m.**

**Mr. Gillies:** I want to ask you sort of a philosophical question. In my mind, the policy enunciated by Premier Davis last year was not a radical departure. I have never seen it as a new policy but rather as the extension of an existing policy. Public funding has gone to the Roman Catholic separate schools to the end of grade 8 for many years and, more recently, to the end of grade 10. I have seen this as an extension of the policy.

What I am reading in your presentation really goes beyond the parameters of Bill 30, because you are calling into question the public funding of a school system that has a religious orientation. Am I reading too much into the presentation or is that correct?

**Mr. Price:** I think you are. I am saying I believe the principle is that we made a commitment as a democratic society that Roman Catholic people have a right to denominational education. We made that with them as a compact, if you like, at the time of Confederation or really before.

But when we extend that, the rule of 1985 is different. The laws, the environment, the milieu in which we are now looking at the funding of education are different from what they were in 1841, and so all the forces at play in 1841 are not the same set of forces in play in 1985. A major force is that we are not allowed to discriminate legally against people.

To deny Roman Catholics the right of funding would be discrimination as well. I recognize that, and that is why I give support to this. We have to build our society on principles.

The primary principle in the Legislature, as I understand from my ancient history as a political scientist, is the rule of law, that no one stands above the law. The law of the land today in 1985 is that we do not discriminate. There is the Charter of Rights and Freedoms, proclaimed on April 17 of this year. This is August 29. It is in force, and so we cannot knowingly put into law, through action of the Legislature, an act that does not take account of the existing modern-day environment of the legislation.

I no longer have my copy of Bill 30 because my bishop borrowed it and has not given it back. I am from Ottawa. Archbishop Garnsworthy is in Toronto. I read the press, too.

Seriously, when I read the act it seemed to me that there was going to be inherent in this legislation, in the sections I quoted, the thought that it was okay to discriminate, and that bothers me greatly as a democratic citizen.

**Mr. Gillies:** I have a problem with your argument. I quite agree with you about the rule of law. Having studied political science, I know there is no question about the primacy of the rule of law, about which you speak very eloquently in your presentation. But would you not agree with me that, upon the passage in the Legislature of Bill 30, this will become the law of the province? In fact, as an extra precaution, the government has made a reference to the Court of Appeal to test the constitutionality of the bill.

If the bill passes and is found by the court to be constitutional, in my mind, in every sense of the word it then becomes the law of the land. Would you then be in support of the legislation if that were to happen?

**Mr. Price:** I am not a lawyer. I am a priest and I am not sure how the reference to the court is being framed. If it is a general reference saying, "Please check this against all existing statutes and articles of constitution," and if it does pass, then if it is referred to the Supreme Court of Canada, because it can be, and passes there as well, that is the acid test. The Supreme Court of Canada will then have said, "The Charter of Rights and Freedoms goes only so far."

I recognize, as everyone in this room does, that legislation goes only so far and it always has to be tested in the courts, interpreted and so on. However, I am a youth co-ordinator. Part of my job is to work with young adults and people from the ages of 12 to 30. I am greatly worried about how they view government and a lot of our society's institutions today. When they look at laws, kids make comparisons, very simple ones.

They are not into the refined means of looking at words and nomenclatures that lawyers may do and how adjudication is rendered and so on. They just look at it as it seems to be. When they see we have anti-discrimination provisions in the Charter of Rights and Freedoms, and then see a piece of legislation that seems to run against that, they wonder about the credibility of the institution.

I am concerned that we have a unified Ontario, that we all pull together. We may be different. We are unified, but different, and that is okay. As legislators and receivers of the trust from the electors of the province, it is important that you do what you can to make sure you seem to be integrated in what you are doing. When you have the Charter of Rights in Ontario—and I could

quote you that—and then the legislation seems to say, “But in this case we have put aside these provisions,” then people begin to question the whole credibility of the institution, the parliament of which you are a part.

We have a number of people employed in the Anglican diocese of Ottawa and we have tried strictly to follow the Charter of Rights in our employment practices or whatever. We do not just hire Anglicans; we hire everybody. We do not give them a litmus test to see whether they are this, that or the other thing, because we feel as Christians we have a responsibility to uphold the principles of the law of the land in which we live.

**Mr. Gillies:** I appreciate your point of view and I understand what you are saying. Can I ask just one or two short questions?

**Mr. Price:** I will try to give you short answers.

**Mr. Gillies:** I understand your presentation is made as an individual, that it is your personal point of view.

**Mr. Price:** Yes.

**Mr. Gillies:** I would like to ask you a question as an Anglican scholar and cleric. Perhaps you might be able to help me with this. I understand around 1970-71 there was an ecumenical council report on the question of the extension of separate school funding, that the Anglican Church of Canada was a signatory and it called for the extension of funding.

**Mr. Price:** I believe that is true.

**Mr. Gillies:** I further understand, just by the by, Archbishop Garnsworthy was the signator for the Anglican Church. That is just a bit of history.

**Mr. Price:** That could well be true. I was in the diocese of Nova Scotia at that time.

**Mr. Gillies:** Do you know what the official position of the Anglican church is now on this matter? Is it still the position taken in the very early 1970s, or has it been revised?

**Mr. Price:** If you refer back through your hundreds of documents, you will see that, appearing before you in Ottawa was Canon William Gilbert, who is the director of program of the diocese of Ottawa. In his submission he included a copy of the stance of the House of Bishops of the Ecclesiastical Province of Ontario.

I do not have that memorized, but in general terms it still supports the general principle of the extension of funding to Roman Catholic schools, but expresses some qualms about the method by which this has come forward, and I believe it asks

for a delay until some of these things have been sorted out, such as the reference to the courts that you mentioned.

**Mr. Gillies:** I thank you for the lead and I will look for that document.

**Mr. Price:** I am sure your research assistant can probably dig it out.

**Mr. Gillies:** We do not have much staff any more. I could go on for a while about that.

**The Acting Chairman:** It is a tragic story.

**Mr. Callahan:** It brings tears to my eyes.

I read your submission with great fullness of heart, because you are a person coming before us who has really given this a lot of thought and are a caring person, quite obviously. I may be wrong, but I believe Mr. Justice Brian Dickson delivered an address to Harvard University, or maybe it was to the Canadian Bar Association, in which he said—I hope I am not misquoting him—that the Charter of Rights and Freedoms is now the law of the land. It is not like the former Canadian Bill of Rights. It is, in fact, the law and to a large extent replaces the rule of law.

**3:30 p.m.**

Within the framework of that act is an opening provision which I presume the Parliament of Canada somewhat held back for special circumstances. I cannot remember the exact wording. It is something to the effect that in a free society certain things may be allowed to happen which—I am putting it badly, but the gist of it is there are things that may technically contravene the Charter of Rights and Freedoms, but that are allowed in a free society.

The second part of that is section 27 of the Charter of Rights. I may be mistaken; I do not have a copy of it here. It specifically preserves whatever was granted under the British North America Act with respect to separate school funding.

I may have to eat these words, but the framers of the Charter of Rights obviously addressed their minds to the particular question of extension. Whether they addressed their minds to the question you are raising is up for grabs.

Having said that, I will ask you the same question I asked people earlier. As a matter of fairness, what do we do with the children—I have always looked upon education as being about children—with the statement made in June 1984, with the proceedings that were carried on in the House with all parties supporting the extension, and with the steps their parents or the school boards have taken in the interim?

Having said what I did at the outset, I am sure that you, as an understanding human being, recognize we cannot just leave that in a situation of suspended animation until the matter is dealt with by the Court of Appeal and perhaps the Supreme Court of Canada.

I ask you to respond to that. Perhaps that is an unfair request to make.

**The Acting Chairman:** Mr. Callahan has phrased the question awfully well. Would you respond?

**Mr. Price:** In my brief, I am not opposing the extension of funding and by inference the extension of the system. I am a realist and I know that young persons, be they Roman Catholic, Anglican or whatever, have a right to be educated in this province. You have the rights under statute by order in council to extend the system, which is what has happened. It must be through order in council of cabinet or something of that nature. Obviously, you have to proceed.

Still, the procession of education has to be known at this point as ad hockery in a sense because there is no legislation that is public legislation. The purpose of this committee is to look at possible amendments to the Education Amendment Act. I have no trouble with your question. Sure, let them be educated.

All I am saying is that when the act comes down in its final form, when it goes for third reading after it is through this process, I am hopeful you will look again at those sections that seem to discriminate and will even, if you want, do some research and look again at the Constitution Act of 1982 to see what is the essence of those provisions, almost notwithstanding provisions, about human rights.

**Mr. Callahan:** Do I gather from that you are reconfirming my immediate gut reaction to the way you have presented this? You are not saying to put it on hold until the legislation has been looked at by the Court of Appeal and perhaps the Supreme Court of Canada.

**Mr. Price:** No. If I had wanted to say that, I would have, but I did not.

**Mr. Callahan:** That is fine. That is very fair.

**Mr. Price:** My primary concern is that we live in an open, free, democratic society. I do not want to restate my brief. That would be boring. We have to make sure that you as legislators and I as a member of the public trust of Ontario who gives that trust to you do not do things that are contrary to the law of the land, such as publicly fund things that are contrary to the law of the land.

**Mr. Callahan:** In the final analysis, you have said to the chairman that if the legislation, after it had gone to the Court of Appeal and perhaps the Supreme Court of Canada, proved to be within the framework of the Charter of Rights, you would be content.

**Mr. Price:** That is part of the principle of being a democracy. If you do not like what the courts decide in your country, you have the right to move or to accept it.

**Mr. Allen:** It is always a pleasure to have someone come forward who has tried to wrestle this thing to the ground. While I have some major problems with the presentation, it is not because you have not really worked at it and tried to get it straight for us. All of us are trying to do that day by day with all the issues, especially the question of discrimination, as it resides in this whole discussion, which is a very complex one. The more I think about it, the more my head spins trying to resolve some of the problems.

If I might put it this way, I do not see where your amendments will take us because the problem is not whether we are following the concept of rule of law. The question basically for the committee is what the law is and the problem that so much of law is a matter of how you interpret it.

When you refer to the Charter of Rights and Freedoms, how do you see that making a difference inasmuch as the charter includes in it a reference to all those protections provided by section 93 in the British North America Act and, by inference, also refers to the Ontario Human Rights Code?

With regard to section 93, it was necessary to write an additional provision to the Ontario Human Rights Code to accord existing rights of the Catholic minority in Ontario that they enjoyed under the British North America Act under section 93 so they could have the right to maintain themselves as a legal and legitimate institution with a minority education perspective in Ontario. The law appeared to dictate that they be permitted to hire principally Catholics when they felt it necessary.

Do your amendments not take us right back into the same cycle all over again of trying to determine the implications of all those issues and to get to read them once more in 1985? It does not raise the question fundamentally of getting us around the problem of whether we are in agreement with the law or not, but gets us back into the cycle of trying to decide once more what those legal terms mean for us.

**Mr. Price:** Social justice is a double-edged sword and the drafters of whatever pieces of human rights legislation for whatever jurisdiction we look at wrestle with the problems you have articulated.

**3:40 p.m.**

My concern is that the 1985 Act to amend the Education Act does not seem to deal adequately with the spirit of the province of Ontario in 1985. The act as drafted is not complete. Whoever the drafters are should sit down again and look at—I say without prejudice they had tunnel vision—not only how to extend education to Roman Catholics, because it is a principle of our province that they have this right, but also at the total milieu of 1985.

I am not claiming here by my amendment to be God. But I am concerned that we must take into account the whole environment of 1985, not a parochial view. Often people use that term in reference just to Roman Catholics, and that is not fair. There were pretty parochial Anglicans in 1841. They were pretty bad. But this is 1985 and I know that certain steps have been made.

I do not want to be retrogressive, but I am concerned that the amendment to the legislation that is proposed can be retrogressive because it seems to strip away all the antidiscrimination progress that has been made and enacted in our society to this date, including the Charter of Rights and Freedoms, which we had for three years, from 1982 to 1985, to knock around before it became law. I am concerned I do not see anything in the legislation that says, "Hey, we cannot publicly fund in such a way as to allow discrimination of a malicious kind."

Sure, some people are going to claim this is discriminatory because it gives public moneys to one religious denomination, but it is one of the principles of our society in Ontario that this is okay. We have said we made this promise and we are now just extending and concluding a promise that has taken a long time to come about. I am not quibbling over that. I am concerned about individual rights and freedoms of a person.

I have seven children. If I want to send my children to a so-called separate school, I should have that right because I happen to think it is okay to have them educated in that school because I uphold the values that are being taught in that system and I want them to be immersed in that environment. That should be my right, even though I am obviously not a Roman Catholic. Seven kids and a priest does not make me Roman Catholic, at least not yet.

On top of that, part of my background is that of being a pastoral psychologist. I do a lot of work with individual young persons. Let us take the case of someone who goes through a personal crisis. He comes to terms with the fact he is not heterosexual, and he is teaching in the system. If a priest in our system comes to terms with the fact he is gay, that he is a homosexual, he has certain responsibilities he must fulfil, but he is not going to be thrown out of his or her priesthood as long as he lives within the guidelines of the priesthood for homosexuals. There is a sense of compassion; there is the sense that you have a right to your personal sexual orientation, and that is one of the rights in Canada.

I do not see that kind of protection being fortified by the legislation we are all considering. There are two sections that suspend the Ontario rights act. That really does not speak well for me in this concern I have. I am concerned about the personal crises that people have.

**Mr. Allen:** In at least the one section you refer to, the suspension is in fact, from some people's point of view, a suspension of a suspension of individual rights. The clause in question is a problem for the legislation precisely because section 93 of the British North America Act does allow for discriminatory hiring. What the legislation proposes to do is to suspend that with respect to all transferring teachers so their individual rights as non-Catholics will be respected in the new system.

**Mr. Price:** Okay, but let us expand on that. I hear what you are saying—

**Mr. Allen:** The problem is how you do that within the context of a reigning body of law. You are asking us to respect the rule of law. The rule of law as it stands does provide to a major minority group in this province, all those Roman Catholic parents of all those some 400,000 kids, through section 93 that they have some right to some public support, after a certain fashion, of education of their children. If that constitutional right is there, then there is also the right to maintain themselves as a distinctive educational entity. That is what those protections are all about; those are legal protections, and for us to be following the rule of law is to live within that law, too, you see, so that—

**Mr. Price:** It is not easy.

**Mr. Allen:** It is not easy. I guess that is what we are both trying to say.

**Mr. Price:** It is not easy, but I recognize the Constitution Act, formerly known as the British

North America Act. Sure, it says those things in section 93, but this is 1985; that is my concern.

**Mr. Allen:** I am not asking you in 1985 to suspend some laws in order to—

**Mr. Price:** I really think it has to be looked at. We are creating a public institution. It is going to be funding a full public institution, not a quasi-public institution.

**Mr. Allen:** That is a matter of interpretation, is it not?

**Mr. Price:** The former kindergarten-to-grade-13 separate system has private money in it. I could go all day on this. I am sure the board—

**Mr. Allen:** We have been going for six weeks on questions such as this.

**Mr. Price:** I believe it has to be wrestled with.

**Mr. G. I. Miller:** Yesterday we had a presentation from Saskatchewan where they have full funding. If some parts of Canada have it and some parts do not, is it not fair that they should be given the same opportunity under Canadian—

**Mr. Price:** Saskatchewan, as I understand it from news reports, since I did not live in Saskatchewan at the time, changed its system of education in 1965, 1966 or something of that order. This is 1985. It is a different environment. We have to deal with legislation in the milieu in which we are now living.

I am concerned. In your question to me, I am hearing you say, "You have a mindset against the extension of full funding." I am not against the extension of full funding, and I detect that in your question. If I am wrong, I apologize. I am not against that, but I am concerned that all human rights be looked at.

In American terms, they would call them civil rights, rights of the individual, no matter where they work, who they are or what they find themselves to be. I am concerned that the legislation as I read it, and I am not an expert, does not seem to speak to that in terms of August 29, 1985.

**Mr. Reycraft:** I am trying to better understand Reverend Price's concern when he states that the bill would legalize discrimination. He specifically refers to section 23 of the code which states that the rights to equal treatment are not infringed and then gives a number of different conditions.

After the subsections of the bill you have referred to, it states that the previous subsections apply "despite section 23 of the Human Rights Code." My interpretation of the bill is as the member for Hamilton West (Mr. Allen) stated, that it eliminates a provision to discriminate, in

the first case with respect to employment and in the second to access.

**3:50 p.m.**

**Mr. Price:** Okay. I made a mistake in my interpretation of the bill. It does not come with a big book of interpretation. I accept that, but I still do not see in the proposed legislation anything that says, "We are not going to allow any kind of discrimination, period."

As a public institution, you cannot as the Legislature of Ontario send public moneys to any kind of group. If it were an Anglican system, I would still have the same concerns if it was going to have some form of discrimination as to who it hired. Regardless of what kind of whatever would be said about those whom they hired, I would still be here saying: "Listen, we cannot do that. This is 1985 and we are past April 17."

My concern has been fueled because I live in the Ottawa area, where I hear public statements made by people who purport to represent the interpretation, the administration, how the extension of funding will be administered and how they see things. We have administrators saying publicly that they would like to check out whether a person was sterilized or whether a person was this, that or the other thing; and if he was, they would fire him.

I am troubled by that. This is 1985. Persons have a right to their own lives, and a publicly funded institution has to be sensitive to that. If it were totally privately funded, that would be one thing; but if it is publicly funded, it is something else again, because it comes from all of the people of Ontario. You are dealing with a public trust, and the public trust includes upholding the Constitution.

That is my concern. Sure, on a point, which was not minor, you are right that I was wrong, because I did not have the actual Human Rights Code in front of me, and that is my problem. But I am still concerned that I do not see in the act anything that enshrines the right of a person.

I could quote to you from the display that is out in the hall near the pay phones, Our Parliamentary Heritage. This is from the general introduction of the Royal Commission Inquiry into Civil Rights in 1964, 21 years ago. This is quoted, and everybody who comes here to the Ontario Legislature is supposed to look at it because this is what we stand for:

"Apart from its being a means of protection against the invader, the sole purpose of the democratic state is to regulate and promote the mutual rights, freedoms and liberties of the individuals under its control. State power is

something in the nature of a trust conferred by the people on all those in positions of authority. While the state is an attribute of sovereignty, it is not the warden of freedom but the guardian of the right to be free. Law as the expression of the power of the state, and its enforcement, are not weapons but shields serving to protect and regulate the respective rights, freedoms and liberties of individuals inter se, from whom the authority of the state is derived."

I am concerned that the legislation, if enforced, may potentially take us in Ontario to a dangerous precedent as it is now drafted. I am not saying there should not be legislation for extended funding to Roman Catholic schools. I am saying that when we take that step we have to be careful of the precedent we are setting, careful that we are not, by our action, making it okay to weaken the sense of individual rights and liberties, which we have enshrined in legislation in this province and in our country. That is my concern. We cannot publicly fund that, and I think that has to be investigated and enshrined.

**Mr. Callahan:** Perhaps to clarify it for Mr. Reyecraft, I think the subsection, if you read it, does say that subsections 136l(1) to (20) apply despite section 23 of the Human Rights Code. I suppose you could read it by saying that you can do all those things within subsections 136l(1) to (20), which might have been breaches of the Human Rights Act, and this section says you are not breaching the act when you do them.

But I think you can read it equally as containing a provision for the transfer of teachers from one board to the other, and if your interpretation is correct—and I would not suggest it is not, within the framework of the wording itself—because if someone were to be transferred from a public school board about whom there were, say, questions concerning whether he was married or living common law, under the provisions of this section the person would have to be employed.

All that I think subsection 136l(19) does is to zero in specifically on the question that it cannot be for creed, but by doing that I do not think it denies any of the rights of the person who is transferred that are contained under section 23. They would have to be accepted, so I do not think it denies those. It can be viewed that way but I think if you read the entire section it can be viewed the other way and I would hope that is how it would be interpreted.

**Mr. Price:** What about the persons already employed in the system?

**Mr. Callahan:** Those are the ones I was addressing. There would be no difficulty.

**Mr. Price:** I do not mean the ones coming to the new public system, I mean the ones already employed in the separate system.

**Mr. Callahan:** I think they would be in the same category, you would not be able to discriminate against them on that basis.

**Mr. Price:** That is interpretative. I do not see it written.

**Mr. Callahan:** I think I understand your concern.

**The Acting Chairman:** Thank you for coming. The next deputation is the Ontario Public School Trustees' Association, exhibit 548. I am sorry to have kept you waiting. Perhaps you would begin by introducing the members of your delegation so we can have that on the record.

#### ONTARIO PUBLIC SCHOOL TRUSTEES' ASSOCIATION

**Mrs. Scott:** I would like to introduce the members of our presenting team. On my right is Karen Morrow, the executive vice-president of the Ontario Public School Trustees' Association, on my left is Mr. Bill Phillips, acting executive director, and I am president.

With us also today in the audience are members of our executive counsel: Marilyn Rowe, our immediate past president; Bob Irwin, past president; Sharon Campbell, a vice-president; Lloyd Fletcher, a vice-president; Dr. Jeanne Beck, chairman and director; Ross Parry, director of public affairs, and Clare Farrow, a director of our organization.

I would like to express the association's dismay that the Minister of Education (Mr. Conway) is not in attendance.

The Ontario Public School Trustees' Association welcomes the opportunity to appear before the committee to present the considered views of our members on Bill 30, which would provide for the full funding of separate secondary schools in Ontario.

The OPSTA represents 47 boards of education and public school boards in Ontario and so presents the considered views of the public education sector in the province. For the record, I would like to name our member school boards:

Airly and Sabine; Canadian Forces Base Borden; Brant county; Bruce county; Cochrane-Iroquois Falls; Dufferin county; East Parry Sound; Elgin county; Essex county; Etobicoke; Fort Francis-Rainy River; Frontenac county; Grey county; Haldimand county; Haliburton

county; Hamilton; Hastings county; Hearst; Hornepayne; Huron county; Kent county; Lambton county; Lanark county; Leeds and Grenville county; Lennox and Addington county; London;

Manitoulin; Middlesex county; Moose Factory Island district; Muskoka; Nipissing; Norfolk; Northumberland and Newcastle; Oxford county; Peel; Perth county; Peterborough county; Prescott and Russell county; Prince Edward county; Renfrew county; Simcoe county; Stormont, Dundas and Glengarry county; Timmins; Victoria county; Wellington county; Wentworth county; West Parry Sound.

#### 4 p.m.

These 47 school boards educate 262,286 secondary school pupils. This represents 47 per cent of the total number of students attending secondary schools in the province.

While each of these boards may be affected in many different ways as a result of this new policy, our presentation reflects as much as possible the consistent themes expressed by them.

I would like to make a preliminary comment. In an open letter to our former Premier of Ontario last fall, public school trustees expressed their reaction to the new policy of the provincial government. They voiced concern with the absence of prior consultation and with the limited time allowed for implementation and sought guarantees for adequate provincial funding for both publicly supported school systems. Those same concerns are still uppermost today.

Although the standing committee on social development has opened public hearings on Bill 30, we question whether this will permit meaningful and open discussion of the issues and concerns as suggested by our Minister of Education. How can we have meaningful discussions when the minds of the committee members and their parties appear to be closed when it comes to the question of whether or not this new funding policy should proceed? How can there be meaningful discussions when legislators are prepared to follow blindly in pursuit of this costly and potentially divisive social experiment without a willingness to reassess the June 12, 1984, edict?

While we welcome the referral of Bill 30 to the Ontario Court of Appeal for a judicial decision, the determination of the present government to forge ahead and to provide by cabinet decree funding for separate secondary schools in the interim is indefensible. Surely these hearings take on the appearance of a farce in the face of such a *fait accompli*.

We would urge this committee to gather the courage to truly evaluate the advisability of the policy announced in the June 12 statement and attempt to represent the legitimate concerns most of the citizens of Ontario have about this costly and divisive project. We would ask this committee to weigh the negative consequences very carefully and to assess whether it is appropriate to further extend the right of privilege enjoyed by Roman Catholics to maintain their exclusive, religiously based elementary separate school system with public funding.

Surely this government must recognize that the extension of funding to separate secondary schools, announced on June 12, 1984, was actually an abrupt reversal of long-standing public policy without public debate or serious study. Premier William Davis made this clear in 1971, when he said:

"From the outset, as the secondary schools grew to become an integral part of the public school system, they have been determinedly and deliberately nondenominational and nonsectarian. Such has been a fundamental characteristic of government policy from the time of Ontario's first Prime Minister, the Honourable John Sandfield Macdonald, and this policy has been supported by every party while in power since that time."

In his essay, *Trends in the History of Ontario Education*, in *The House That Ryerson Built*, William Brehaut identifies a trend in schooling from the religious to the secular, in the following excerpt written prior to June 12, 1984:

"Ontario, like other Canadian provinces, witnessed the beginnings of formal education through the initiative of one or more of the churches. The fact that the two outstanding leaders in Ontario education during the 19th century were also outstanding leaders of their denominations tended to ensure that education would have a strongly religious orientation. Both John Strachan, a convert to Anglicanism who became the president of the General Board of Education, and Egerton Ryerson, a convert to Methodism who became superintendent of education for the province, were resolute in pursuing their objectives.

"Under the auspices of the Anglican church, some provision was made for the instruction of small numbers of children in the settlements, although this church and its adherents tended to emphasize the urgency of providing grammar schools for the preparation of potential leaders of the community.

"Other religious groups, notably the Methodists, stressed the need for basic education for all children throughout the province. Under the strong leadership of Egerton Ryerson, the Methodists promoted their religious and educational aims effectively, Ryerson serving as superintendent of education for 32 years (1844 to 1876) and guiding his newly created system through its most difficult period of development.

"Firmly believing that the system of public education he had established was Christian but nondenominational, Ryerson opposed the attempt to extend the system of Roman Catholic separate schools which had been established. The struggle reached a climax with the Scott act of 1863; this act consolidated the separate school position in Ontario and was regarded by Ryerson as the limit beyond which the government could not accede to Roman Catholic demands. (The struggle continued, however, and, despite reverses, Roman Catholics have been able to achieve most of their objectives, with the exception of obtaining public support for the costs of education beyond grade 10.)

"From time to time, other religious groups have attempted to obtain public funding for their schools and colleges. These attempts have been largely unsuccessful, and they will likely continue to be because Ontario is now home to a great variety of religions—the result of immigration from many areas of the world."

We hope the members of this committee would take note of this trend in education and of the basic philosophy embodied in the Charter of Rights and Freedoms, which would preclude the extension of special privileges to one religious denomination.

At this time, I would like to ask Mrs. Morrow to dispel some of the myths that seem to be circulating.

**Mrs. Morrow:** The first myth is that Roman Catholic separate school education is public education. The fact is that "public" means accessible to or shared by all members of the community. While separate schools are publicly supported—provincial grants to separate schools pay for about 79 per cent of separate school expenditures and these grants come from the public—they are exclusive in that they are Roman Catholic and only Roman Catholics have the right to attend. They do not provide public education.

The second myth is that separate school supporters are taxed twice, once to support secondary schools and again to support separate school grades 9 and 10. The fact is expenditures

for separate school grades 9 and 10, within recognized expenditure ceilings, are funded 100 per cent by provincial grants. No extra mill rate is levied on separate school supporters to support their grades 9 and 10 beyond that required to support their junior kindergarten to grade 8. All ratepayers are taxed to support secondary schools as both public and separate school supporters can attend secondary schools.

**4:10 p.m.**

The third myth is that only two grades will be affected when full secondary funding is provided to Roman Catholic school boards. The fact is that while many Roman Catholic separate school boards already operate elementary grades 9 and 10, in reality there are as many Roman Catholic separate school students in grades 9 and 10 in nondenominational secondary schools than there are in these grades in separate schools. Thus grades 9 and 10 will be affected as well as the senior grades.

If all separate school students were to attend Roman Catholic secondary schools, the total number of students in Roman Catholic secondary schools would almost triple. Enrolments in Roman Catholic grades 9 to 13 would rise from about 70,000 to approximately 200,000 students.

The fourth myth is that publicly funded Roman Catholic separate school boards have the right to offer secondary education and are already doing so for grades 9 and 10.

Separate school grades 9 and 10 are offered as continuation classes and are funded on an adjusted elementary school funding basis. Continuation classes were to be established only where there was no secondary school available in the municipality. These classes were taught by elementary school teachers and it was never intended that they would replace secondary schools. The separate school legislation of 1863 and therefore the British North America Act of 1867 did not give the right to Roman Catholics to establish continuation schools, continuation classes or fifth classes. Such rights were conferred in 1899 and in 1908.

The fifth myth is that the secondary schools are simply extensions of public or common schools. The fact is that secondary schools have their root in the district schools, later called grammar schools, which were first managed by trustees named by the Lieutenant Governor. In 1853, arrangements were made for boards of six trustees to be appointed by the county councils who were at the same time empowered to levy taxes for the support of these schools.

When the secondary school system was developed in 1871, high school boards were established with appointees of county councils, municipal counties within the district, and public and separate school boards. An act passed in 1903 began the establishment of elected boards of education to operate secondary schools. Boards of education are composed of trustees elected by separate school supporters and trustees elected by public school supporters, and operate secondary schools for both separate and public school supporters.

The sixth myth is that Roman Catholic school boards receive less from the Ontario government per pupil than do public school boards. In fact, the province provides approximately twice as much grant for each Roman Catholic separate school pupil as compared to the grant for each public school pupil. In 1984, the average total provincial assistance for each Roman Catholic separate school pupil was approximately \$2,750, while the average total provincial assistance for each public school pupil was approximately \$1,360.

The local property tax set by the school board provides most of the additional funds required to meet the cost of educating these students. Public school boards have more equalized assessment per pupil than do separate school boards and so find it easier to raise local taxes.

The seventh myth is that fewer than 40,000 separate school students will be lost by secondary schools to Roman Catholic separate secondary schools because of the extension of funding. There are approximately 130,000 students from separate-school-supporter families now attending the nondenominational secondary schools. Full implementation would mean that all of these 130,000 students would be retained by the separate school boards and thus would not attend nondenominational secondary schools. While full implementation may not be achieved for 10 years or more, the end result would be the loss of these 130,000 pupils.

The eighth myth is that boards of education can differentiate between persons or positions made surplus because of the election by a separate school board to offer secondary education and persons or positions made surplus because of natural decline in enrolments, change in pupil course choices or simply students who move their place of residence.

In fact, it is impossible to ascertain which persons or positions are surplus because some students do not come to a secondary school as there is no way to determine which specific

students did not come and which specific programs they would have chosen if they had come. The guidelines that are to be developed by the planning and implementation commission must be brought before this committee immediately for public scrutiny.

The ninth myth is that the present stock of schools and equipment will be sufficient to provide pupil places for the Roman Catholic secondary school students without major capital expenditures.

The 30,000 or so Roman Catholic secondary students now housed in private facilities owned by religious orders or other nonpublic institutions will have to be provided with public facilities at an estimated cost of \$10 million for each 1,100-pupil secondary school.

This could require as many as 25 schools at a cost as high as \$250 million. Even if these private school facilities are transferred to the separate school board without payment, the cost of renovating them to bring them up to current secondary school standards could still cost as much as \$5,000 per pupil place, or \$150 million.

There are approximately 40,000 separate school students in separate schools offering continuing education classes, grades 9 and 10. These buildings are not equipped to offer a full secondary school program and will require extensive upgrading.

While some nondenominational secondary schools will become surplus as enrolment falls, in most cases the size of the school will decline by only 10 to 15 per cent and the school building will remain open. The separate school pupils who will no longer be housed in these secondary schools will require large numbers of new secondary pupil places.

How many new pupil places will be required by the shift of up to 130,000 pupils to the Roman Catholic system it is impossible to calculate, but it will surely be in the tens of thousands with accompanying capital costs.

The 10th myth is that it will cost almost the same for the operating costs of two parallel secondary school systems as it would have cost to operate one secondary school system. The nondenominational school system in Ontario has excess capacity. In such cases in the private sector, business has managed to achieve savings that average about 20 per cent when they merge companies. To move in the opposite direction, maintaining duplicate production facilities and staffs, obviously will cost substantially more. How much more? One can only guess.

Even an increase of only 10 per cent in current operating costs to run two parallel secondary school systems will result in additional taxpayer expenditures of about one quarter of a billion dollars.

Mrs. Scott will now inform the committee of the results of a survey we took of our member boards.

**Mrs. Scott:** Last fall, the Ontario Public School Trustees' Association surveyed its members to determine the collective views of boards of education that have traditionally been responsible for nondemoninational secondary education in Ontario. We asked them to gather information that respected the following basic assumptions derived from the Premier's statement of June 12, 1984.

The first assumption is that there will be a continuation of public and separate school support designation. The second is that there will be two complete parallel systems. The third is that children of separate school supporters will attend separate schools and attend public schools only on payment of fees, and vice versa for public school supporters.

On examination of Bill 30, it would appear that these assumptions have proved to be accurate.

Our findings have also indicated a broad range of potential repercussions. A few boards feel there will be little or no impact on their systems directly. The vast majority foresee consequences that will require considerable adjustment and expense. Although in the initial year there will be relatively little change, the longer-term ramifications are significant.

Should the plan proceed as originally outlined in the Premier's statement, the potential for disruption of the present secondary system may be categorized under several headings: enrolment reductions, consequences for education programs, facilities requirements, transportation adjustments and staff dislocation.

In the area of enrolment reductions, anticipated reductions in public secondary school enrolments as a result of full funding of separate secondary schools will have varying impact on existing secondary schools. Those systems that have anticipated natural increases in enrolment will encounter fewer problems than those that had forecast reduced student populations as a consequence of normal decline.

In the first instance, projections will simply be amended and capital programs withdrawn. In the more usual declining situation, however, there

will be serious disruption and loss of current programs and facilities.

**4:20 p.m.**

Despite financial restraints imposed, the retention of grade 8 students in the separate system has increased steadily in the period up to 1982, the last year for which provincial statistics have been published. In 1978, 38.5 per cent of separate school grade 8 students enrolled in separate grade 9 classes. In 1982 the separate school retention rate was 52 per cent. With full funding available, the expected rate of retention will approach 100 per cent when the parallel separate secondary schools are in full operation.

It can well be anticipated that during the next five to 10 years the nearly 20,000 separate school students per year who enter the public grade 9 will be retained in the separate schools. The bulk of our member boards report that this will represent a 14 to 15 per cent loss in secondary school enrolment. In other boards the loss will range from as little as one to two per cent to as high as 75 per cent.

While these projections may be based on the assumption that the separate school systems will seek to retain all their separate school supported children within their own system, it is our contention that any variance will be subject only to the extent of education programs provided in the parallel system and the convenience of access to facilities. The retention of all separate school supported children within a parallel Roman Catholic separate secondary school system would result in the loss of more than 130,000 students from the nondenominational secondary schools of this province.

In the area of program consequences, the impact of declining enrolments as a result of reduced school-age populations has already been manifested in negative ways in many school systems. Additional significant declines because of the new plan during the next 10 years will compound the problems of adjustment. These may be summarized as follows:

Compulsory courses must continue to be provided in accordance with Ontario Schools, Intermediate and Senior Divisions guidelines. Therefore, the number of optional courses would need to be reduced. Basic-level and advanced-level courses might not be possible. Restructuring of courses would have to be considered. Negative effects would probably occur in such subjects as technological studies, family studies and the arts, which include visual arts and instrumental music.

There would be a further aggravation of the problem of teachers being required to teach subjects outside their area of specialty. The retention of small course sections would create greater pressure on the more popular academic classes, whose class sizes would tend to increase. Multilevel and multigrade class arrangements would increase significantly. It would be increasingly necessary to provide specialized programs in selected areas rather than in all locations.

In the area of facility requirements, assuming that the reduced enrolment will be as projected, the potential requirements for facilities will vary according to the degree of overcrowding or undercrowding that currently exists, the density of student population in the jurisdiction, the placement of facilities within the jurisdiction and the specialization peculiar to certain facilities.

To protect programming and educational opportunity, it will be necessary to consolidate many education services and facilities. Where severe decline occurs, the resulting disruption may make it impossible for a board to maintain a minimally acceptable program for its students. In a few jurisdictions, opportunity may be afforded to enhance programs through the elimination of portables. In these cases it will not be possible to free up facilities for use by the new system. Capital expenditures will be necessary to accommodate separate school students.

In the main, however, where significant decline occurs, there will be potential for effects itemized as follows: There will be a significant increase in surplus accommodation. The increased surplus accommodation will necessitate serious consideration of the possibility of closing a secondary school for public education purposes. These may or may not be suitably located for separate school purposes. The number of vacant technical, business studies and family studies areas will increase.

The average reduction in most secondary schools of 10 to 15 per cent will not be sufficient to warrant the closing of such schools. Consolidation proposals may bring forth strong public resistance. Finally, there will be reduced financial resources available for the maintenance of existing facilities.

I would like now to make some comments about the potential for disruption in the transportation area. The impact of fewer students is not reflected in reduced costs for transportation. In actual fact, the per student cost for transportation in the system increases as student enrolment decreases. The same transportation routes are required, even if there are fewer students on each

one. If a decision should be made to close an existing secondary school, transportation costs would increase because of the necessity of transporting the dislocated students to new locations. Student bus time would also increase.

The necessity of designating specialized programs in selected areas as one of the program effects caused by student losses would also increase the total transportation costs in the system. Amalgamated or co-operative transportation by two systems will rarely work because of geographic location of schools as well as the issue of timetabling.

I will comment on the disruption caused by staff dislocations. Implementation of the new policy will have serious impact on staff currently employed in the public system, as well as those who aspire to work as educators. Over and above the distress suffered in the disruption of human resources, both academic and nonacademic, with attendant social consequences, concern must also be expressed with respect to educational impact.

The decline in enrolments over a period of years has already reduced the hiring of secondary school teachers. This pattern will continue for nondenominational secondary schools, and possibly even in public elementary schools, for the next decade. Staff members declared surplus will likely be those most active and enthusiastic, being the least senior in a rapidly ageing staffing complement. Transfer to areas outside a specialty will reduce competence.

Confrontation may result from attempts to amend collective agreements to accommodate redundant and surplus situations. Already-agreed-upon terms and conditions of employment may result in costly terminations.

Noncompulsory courses will be vulnerable to being dropped and the instructors lost to community service. Loss of supervisory personnel will result in the loss of particular areas of expertise and commitment.

Inflammatory feelings may be engendered in the competition for employment. Non-Catholics aspiring to become secondary school teachers will find no such opportunities over the next 10 years. This will have a most devastating impact on our young people. Roman Catholics will find increased opportunities for teaching positions in the separate schools, as well as retaining their right to be hired on a nondiscriminatory basis by public school boards.

I have outlined some key areas of potential disruption, but there are some general areas of concern I would like to address at this point.

There will be a negative effect on the learning environment as a result of a less positive feeling of morale among staff. There will be an increased need for the professional development of staff required to teach in other areas. This redevelopment and retraining represents a significant cost.

Higher per student costs will be inevitable. When enrolments decline, the fixed costs tend to remain constant, with the ultimate result that per student costs increase. It may not be possible for some of the expectations held by our students to be realized as a result of changes which will be necessary in course offerings, in the areas of school of attendance, areas of specialty, etc.

4:30 p.m.

This move would highlight the division between Roman Catholic students and non-Roman Catholic students in a system where a co-operative approach has been extremely effective and the relationships mutually supportive and positive.

At this time I would ask Mrs. Morrow to outline some of the fundamental concerns of our organization.

**Mrs. Morrow:** The first fundamental concern I will talk about is reduced programming. The inescapable result of funding two parallel secondary school systems will be a reduction in the scope of programming that the public system will be able to offer. Those most likely to suffer will be students with special needs or interests.

The much-smaller separate secondary school system will have an even greater difficulty in providing the range of programming required to meet the needs of its students, especially in light of the primacy of its mission to its Roman Catholic students. How many of the opportunities for our young people is this government willing to sacrifice in order to create parallel systems of secondary education?

Another concern is with funding. Between 1975 and 1983, calculated in 1975 constant dollars, the per pupil grants to secondary schools actually declined by 16 per cent. In 1972-73, spending by the provincial government in support of elementary and secondary education was 25.3 per cent of the total provincial budgetary expenditures, but by 1982-83, just one decade later, the provincial government had reduced this support to only 13.8 per cent of its budget.

The local property tax has been forced to accept an increased share of the funding of education. In addition, the provincial government has fallen short in meeting its financial commitments to school boards during the first three months of 1983, 1984 and 1985 and has

reduced the percentage of grant advances paid during these months. The excuse given has been the lack of provincial revenues.

How will the provincial government find the extra hundreds of millions of dollars that will be required to maintain two parallel secondary school systems at the same level of excellence that is currently enjoyed? For no matter how they are calculated, the additional costs required to operate two complete parallel secondary school systems are enormous.

The cost projections that have been prepared by the ministry officials are very conservative and, by their own admission, incomplete. Yet they are sufficiently large to warn us of the significant drain on provincial revenues that will result.

What needed programs is the government willing to sacrifice in order to pay for the duplication of our public secondary school system? Free dental care for children? Needed hospital beds and equipment? Facilities for the aged? Artificial limbs, wheelchairs and assistive devices for disabled adults? Will some of the extra funds required to fund two secondary systems be taken from the current financing of our public and separate elementary schools? How much will the local tax rates for education increase as a result of the increased costs?

Because of the enormous financial costs of operating two parallel secondary school systems, we fear the provincial government will try to capture the funds currently raised for public education from taxes on commercial and industrial assessment. This has often been referred to as the Martin plan, or the pool of commercial and industrial assessment.

No matter what it is called, the result would be the removal of much of these funds from the public elementary and secondary school boards to support the additional costs of a duplicate, religiously based education system. Any move in this direction by the provincial government must be viewed as a deliberate attempt to undermine the effectiveness of public school education in this province.

Capital requirements: As more and more of the 130,000 students of separate school supporters attending nondenominational secondary schools are retained in separate secondary schools, they will require the specialized technical, occupational and business facilities and equipment not currently available in separate schools. The costs of providing these capital facilities and equipment will be substantial, if they are to be duplicated in the separate school system.

Furthermore, reductions in enrolments in the public system will not necessarily open up new spaces for use by the separate schools. A secondary school of 1,000 pupils will not be closed because its enrolment falls to 850. The 130,000 separate school students who over the next 10 years will be retained in the separate school system, instead of attending nondenominational secondary schools, will require pupil places not now available in separate schools and not likely to be available in sufficient numbers in surplus secondary school facilities.

If only one quarter of these 130,000 pupils will need new pupil places, what will the capital price tag be? At more than \$9,000 per secondary pupil-place, the costs could be more than \$300 million spread over 10 years.

However, there are 30,000 or so separate school pupils currently housed in private facilities owned by religious orders. Unless these private school facilities are turned over to separate school boards without cost, the price to the taxpayer to replace or to purchase and upgrade these private facilities at \$9,000 per pupil place will be more than \$250 million. This does not take into account the additional capital that will be required to renovate and replace ageing elementary and secondary schools or to upgrade the separate school facilities currently housing continuation classes for grades 9 and 10.

There is a problem with accessibility. Of 631 nondenominational secondary schools, 178 are in single-secondary-school communities. In Ontario, 89 secondary schools have fewer than 300 pupils. If the secondary school in a single-secondary-school community is transferred to the separate school board or is reduced in size by the loss of its separate school students to the point that it cannot provide a full secondary program, the impact on the community can be very destructive.

Surely the secondary school in a single-school community must be nondenominational, as this is the only way to ensure access to all students. Even if the school is overcrowded, Roman Catholic parents can ensure access for their children simply by switching their tax support to the public schools. Non-Roman Catholics in a community where the only secondary school is Roman Catholic have no such way to ensure that their child will have a right to attend a local school if it is full to capacity.

Further, the limited guarantees in subsection 136o(6) only protect the non-Roman Catholic students' religious freedom in respect to religious education and not from the mission, which is an

essential component of Roman Catholic separate schools.

There may be other issues raised in Bill 30 that time does not permit us to deal with fully, but Mrs. Scott will mention a few.

**Mrs. Scott:** Before I proceed with comments regarding specific sections of Bill 30, I would like to make one statement very clear. The Ontario Public School Trustees' Association does recognize the constitutional guarantees given to Roman Catholics for separate elementary schools, but we reject any view that these guarantees extend or should be extended to Roman Catholics for secondary school education.

My first comment is on section 136e, page 22. If a Roman Catholic school board is entitled to share in the legislative grant for secondary school purposes, surely it must be on the basis of law and not by regulation. This law should be spelled out in the bill.

Section 136f: OPSTA has taken the position that it is inappropriate for Roman Catholic separate secondary schools to be funded before the enabling legislation is passed.

**4:40 p.m.**

Section 136g: Since there are more than 130,000 pupils from separate school families attending nondenominational secondary schools and since most separate school boards will opt to operate secondary schools, the impact flowing from this phasing-in period in terms of program disruption and costs will be enormous.

Section 136h: Where a part XI school is transferred from a public board to a Roman Catholic school board, there appears to be no provision for pupils to attend a nondenominational school. Are the religious rights of these students to be violated?

Section 136i: It would appear that the separate school representatives on most boards of education elected on November 12, 1985, will serve only from December 1, 1985, to December 31, 1985, if the legislation passes before the end of the year. However, since the board of education will lose its access to separate school assessment for secondary school purposes at the same time, it is necessary for this to happen.

Section 136j: Since secondary schools in Ontario tend, as a rule, to operate above the approved expenditure levels for grant purposes, it would appear that public school supporters might be required to subsidize the education of separate school supporter pupils who will continue to attend public secondary schools, but whose

parents will pay only separate school taxes, if the fees paid by the Roman Catholic school board are not adequate to cover actual costs.

Section 136m: The task given to arbitration boards will require more than the wisdom of Solomon and will not resolve how to differentiate between a person who is surplus due to funding Roman Catholic secondary schools and a person who is surplus due to natural attrition.

Section 136o: While the rights of non-Roman Catholics to attend Roman Catholic secondary schools appear to parallel the rights of Roman Catholics to attend public secondary schools, this in fact is not so. A Roman Catholic family can transfer its school support to the public schools and thus ensure that a Roman Catholic pupil has a right to attend the local public secondary school, no matter how much space is available. Non-Roman Catholics cannot become separate school supporters and thus have no way of ensuring that a non-Roman Catholic can attend the local secondary school if it is Roman Catholic and has no space.

In any event, is it not the responsibility of the province to provide secondary schooling for all who so desire in a nondenominational setting that does not violate the religious rights of the individual?

Section 136r: The planning and implementation commission is given enormous powers that may well be excessive. There appears to be no provision for a board of education to be reimbursed when a secondary school is transferred to a Roman Catholic school board. The equity of the public school supporters must be acknowledged.

Section 136s: The guidelines issued by the planning and implementation commission to date do not differentiate between persons surplus due to Roman Catholic secondary funding and those surplus due to normal attrition. It is essential for such important guidelines to be issued in the form of regulation and that the draft guidelines be made public during these hearings so that they can be studied and commented on.

Section 136t: Plans are required to be submitted to the commission in the format determined by the commission, but only for the first three years of a 10-year implementation period. There should be a plan for each of the 10 years. There must also be the opportunity for the coterminous public school board to submit an impact statement to the commission for each of the 10 years.

Section 136v: Boards will be required to negotiate in good faith concerning matters that

must be resolved concerning separate secondary school education. It is not clear how the commission determines what is "good faith." The protection involved in the phrase, "the method must promote the best interests of public education in Ontario," might better require the "preservation of a strong and viable public school system in all communities presently served by secondary schools."

Section 136w: The commission assists, mediates and fact-finds in negotiations between public and Roman Catholic boards respecting the transfer of property and staff, and boards are required to co-operate with the commission and provide such information as is requested. Too much power is granted to the commission. The Minister of Education must accept greater responsibility for such decisions.

Section 136x: The commission appoints tribunals to decide matters in dispute concerning transfers of property or staff. Decisions of a tribunal are enforceable in the same way as a judgement of the Supreme Court and can be appealed to the Lieutenant Governor in Council, or the Cabinet. The commission exercises too much power that should be retained by the elected representatives.

Section 5: When the planning and implementation commission disappears on July 1, 1995, who will protect the rights of the students under section 136o and perform the duties assigned to the commission under subsections 9 to 14?

In this regard, I have an additional note. Many grades 9 and 10 students in Roman Catholic separate schools are currently housed in private facilities owned by religious orders. In addition, there are many Roman Catholic private schools housing grades 11 to 13. While these students may soon be provided with funding at the secondary school level, there appears to be no provision for these buildings to become public property, as occurred when government funding was provided for the education of trainable retarded pupils.

I would ask, what happened to the dowry that was supposed to come along with separate secondary school students?

The Ontario Public School Trustees' Association has 10 major recommendations:

1. That the committee re-evaluate the policy to provide public funding for Roman Catholic separate secondary schools;

2. That the committee recognize the need for deferral of the entire policy for at least one year pending a re-evaluation and a resolution of the

constitutional question and so recommend this course of action to the Ontario Legislature;

3. That Bill 30 be amended so public funding of the separate secondary school system recognize for grant purposes only those students who progress through the separate system and exclude those students who, up to the time of full implementation, transfer from the nondemoninational secondary schools to the new separate secondary system;

4. That Bill 30 be amended so secondary schools owned by religious orders or other nonpublic institutions be delivered to the new separate secondary system without payment of funds, as suggested by the Ecumenical Study Commission on Public Education, 1969, and as practised in property transfers in relation to the schools for trainable retarded children;

5. That Bill 30 be amended to ensure all purchasing, leasing or sharing of facilities take into account the true equity in the property held by the public school sector;

6. That Bill 30 be amended to ensure the secondary school in single-secondary-school communities is nondemoninational;

7. That Bill 30 be amended to reduce the powers of the planning and implementation commission and to place more responsibility on the provincial government;

**4:50 p.m.**

8. That Bill 30 be amended to ensure all secondary students are guaranteed access to the closest secondary school within their school districts which offers the program they require, regardless of whether the school is Roman Catholic or nondemoninational, unless there is an accessible school of the same school support within 10 kilometres by road or rail of the student's residence that offers the required programs;

9. That Bill 30 be amended to ensure no student attending a publicly funded school shall be required to participate in any religious education program or any religious activity;

10. That the provincial government not proceed to fund separate secondary schools until Bill 30 is found constitutional and receives royal assent.

We have completed our formal presentation, but before answering any questions that you or your committee might like to ask, I wonder if I may ask a question of you first.

**The Acting Chairman:** You may certainly ask a question. I may not have any idea what the answer is.

**Mrs. Scott:** I would be happy to. I think you may.

It came to our attention on August 13 that the Ministry of Education has written to separate school boards across the province—I will not read all of it—informing them that the planning and implementation commission will require plans for extension for 1986-87 to be submitted by November 29, 1985. That is for the second year of the plan.

Will there be an opportunity for coterminous public school boards to submit an impact statement by that time?

**The Acting Chairman:** The answer to your question is that it beats me. Does anyone know the answer? Is there a ministry official here who would care to answer that question?

**Mr. Reycraft:** I have seen the letter and, as I recall, there is to be an opportunity to submit an impact statement. I am sorry, I do not recall the date. To the best of my recollection it is a later date than the deadline for submission of the implementation plan to the commission, but I would prefer to stand down and obtain a more definitive response from the minister and present it to the committee in London on Tuesday, if that is acceptable.

**Mrs. Scott:** Our concern is that the boards of education have a right to be notified of the same request, and I hope the government will want an impact statement from the boards of education for the second year of implementation. It seems peculiar to us that our counterpart separate school boards have been told to submit their plans by November 29 but that so far it has not come to our attention that public schools will be required to submit an impact statement of the effects on their boards.

**Mr. Reycraft:** I shall convey your concern to the minister. As you might understand, his agenda is somewhat occupied these days with a number of matters, but we will certainly get a response for you as quickly as possible.

**Mr. Davis:** I would assume, with the intent of the minister to have good will operating and sharing in open and frank discussions, that Mr. Reycraft, on behalf of this committee, could ask the minister for direction, and London would be an excellent time for us to hear the minister's direction in this matter.

**The Acting Chairman:** Thank you. Is there anything further in your deputation, or can we go to questions now?

**Mrs. Scott:** Yes. We would be pleased to answer any questions.

**Mr. Offer:** To begin, merely as a comment, I note that on page 2 you talk about the meaningfulness of these discussions, and I would like to indicate that it is briefs like the one you have presented and, of course, others we have heard from many different parts of Ontario that in fact provide the evidence of the meaningfulness of these particular discussions.

I note your particular brief brings forth many concerns with respect to the bill and its impact. In fact, these are concerns this committee is grappling with day by day and hour by hour.

Having said that, I would like to ask a question. On pages 7, 8 and 11, you refer to a 130,000-student transfer. I do understand that according to your information that figure is based on 100 per cent of the Roman Catholic student enrolment. Can you give this committee any indication as to the impact to date?

**Mr. Phillips:** To date, the number of those 130,000-plus separate school students in nondenominational secondary schools that have been retained within the separate school system as of this September is quite small. However, we anticipate from what we have heard through the hearings that the separate school boards are very serious about providing secondary education for all of their students. It seems to be their intention. There are currently more than 130,000 separate secondary school students attending nondenominational secondary schools.

If, over a period of 10 or more years, the separate schools do make provisions to retain those students within their school system rather than have them go to a nondenominational secondary school, the impact will be the loss of 130,000 students from the nondenominational secondary schools. That stands to reason.

The intention announced in the statement by Premier Bill Davis, not the Bill Davis here, on June 12, 1984, clearly indicated the intent of the government was to provide the separate school boards with the ability to retain separate school students within their Catholic school system, which, as the missing Minister of Education has indicated, is important because of the mission that permeates such a school. I have heard no one from the separate school board say they do not intend to pursue that goal over a period of time. I have not heard the government say: "Hey, we were kidding you. We are not really going to let you retain your students within a separate secondary school system. Sorry about that, we were just kidding." I have not heard that either.

Maybe our assumptions are mistaken. We have not heard that they are, though.

**Mr. Gillies:** To the best of your knowledge, has any opinion survey or any data been taken from the parents of Roman Catholic students as to their intentions in this regard? It just does not seem credible to me that 100 per cent of these students would transfer to the other system. I do not think it is possible.

**5 p.m.**

**Mr. Phillips:** I said no word about one student transferring. Let us be clear about that. I am not talking about one student transferring from a nondenominational secondary school to a separate school. I am talking about separate schools retaining their students.

The counsellors from nondenominational secondary schools used to talk to the youngsters in grades 8, 9 and 10 of separate schools to tell them about the programs available in the nondenominational secondary schools. I have heard these people have been refused admission in some cases. It appears to be the intention of the separate school to say to its students: "We have programs for you. We will provide for you. You do not have to transfer to a non-Catholic school."

I read the advertisement in the Toronto Star, the Globe and Mail and other papers in Metropolitan Toronto. It was a two-page spread that said the separate school board in Metropolitan Toronto was even going to provide technical education. Certainly, the intention appears to be to retain all their students in their system.

**Mr. Offer:** I am trying to grapple with what you have indicated. It is interesting. Sometimes we hear a concern about whether the separate schools will provide technical education and not become schools of an elitist type of quality. Now I hear concern the other way around. It provides food for thought.

**Mr. Phillips:** If I might comment on that, the government has to say to the separate school boards either, "We are going to provide funding for you to provide only a separate elitist system with only an academic program," or, "We are going to provide funding for you to provide a full secondary program, including a technical program."

It seemed to me that in the original statement the government said it was going to provide funding for the separate secondary school programs to be full programs. Has the government changed the policy stated on June 12, 1984? We can operate only on the assumptions that are in the statements made by the government. Do we have doublespeak going on somewhere?

**Mr. Offer:** I would like to get your opinion with respect to co-operation we see between

coterminous boards, co-operation with respect to transportation, with respect to the possibility of sharing facilities and with respect to ascertaining teacher redundancy due to the implementation.

I would like to get your sense as to the co-operation we have seen in different areas in the light of the fact that on page 8 you indicate it is impossible to ascertain surplus teachers and there is a problem with respect to transportation costs. We have seen with different boards that, through co-operation and through formal and informal advisory groups and what not, these impossibilities have become possibilities.

**Mrs. Scott:** I think it can be assumed that in some jurisdictions, probably in the large urban areas, there is a good chance for co-operation. However, if you are talking about the broad geographic areas and the rural areas, it is questionable how much co-operation there can be.

You raise the issue of surplus teachers. One of our concerns to the planning commission was, how do you determine a teacher who was declared redundant due to the extension of funding? It was suggested to us that, somehow or other, local boards of education have to be able to do that. As you know, the collective agreements stipulate that a teacher is declared redundant for the purpose of declining enrolment, not for the purpose of extension of funding.

As an association, we foresee our member boards getting into severe difficulty with our teacher federations with respect to, "You are a teacher who is declared redundant due to extension of funding and you do not have to worry because declining enrolment will take care of you down the road." It is not practical in that light. As far as we are concerned, we see a real problem with the collective agreements.

**Mr. Offer:** Are you aware of any coterminous board agreements of co-operation on this question of teacher redundancy due to full implementation?

**Mrs. Scott:** I think lipservice is given to the fact that some of our separate school boards will agree to hire, though when it comes down to that, there may be a token number. I would doubt it very much, and I think Mr. Phillips and Mrs. Morrow would agree the numbers that will be involved will not be substantial.

**Mr. Phillips:** Agreement and co-operation are possible under circumstances where one system is not going to be seriously damaged by any assistance in moving students out of it. It would be different if we were in the Ontario of a rapidly expanding student population, where the schools

were overcrowded and some students leaving would take pressure off. That is not the case. We are in a time of declining enrolment and difficulty in maintaining programs for youngsters.

It would be different if we were in a time of virtually unlimited money to put into education, as was once the case during the 1960s, as I recall, the golden age of education. That is no longer the case today. Dollars are scarce. Demands on the dollars are enormous. The requirements of the public for special programs, special education, smaller classes, demands for a variety of programs, special occupational programs and special needs programs are constantly increasing. It is a different age, and those types of pressures are going to work against co-operation.

How can you look to co-operation in a community that has one secondary school and fears losing it, seeing it closed? How can you look to co-operation when you have parents who fear their youngster will no longer be able to attend a local school and may be transferred long distances in order to get a program? How can you expect co-operation when the result may well be the loss of programs that would prepare this youngster for what he would like to do in life?

You say: "Co-operate. Help to reduce the programs in your secondary schools. Help to reduce the amount of money you have available." Co-operate? It does not make a lot of sense.

**Mr. Offer:** You ask how one can co-operate. In many areas, from what you have indicated, there is a naturally declining enrolment that, according to certain statements you have made on pages 13, 14 and 17, may result in a reduction of programs. I question how, in the face of naturally declining enrolment, you are going to maintain those programs without co-operation.

**Mrs. Scott:** That is the question. It is a very serious question. We do not really know how we are going to be able to maintain the programs. We are already under very severe pressure, financial restraints.

**Mr. Offer:** I see that, and that is why I question how one can co-operate. To turn it around, why can one not co-operate?

5:10 p.m.

**Mrs. Scott:** I think one of the problems of our separate school counterparts as well as our own boards is the lack of clarity and the rapid rush to put this in place by next week. I would suspect, first of all, had the constitutional question been resolved, had nothing gone forward until it had been, and had serious discussions taken place in consultation, then if the constitutional question

were declared valid in favour of extension of funding to put into place a procedure that allows for the expansion of the separate secondary system in a reasonable way, in both cases the separate and public school boards could co-operate.

I am convinced, as is my association, we do not want the public school students or the public Roman Catholic students of this province jerked around. We fear this is exactly what is going to happen next week. The very people we as trustees are here to represent are going to be those who will be hurt the most. When you talk about co-operation, it might have been easier for separate and public boards to co-operate had we known the rules of the game.

It has also been said that boards of education co-operated because they all submitted their impact statements to the planning commission. I would suggest that, yes, most of our boards submitted our impact statements because we were required to do so.

**Mr. Offer:** I understand what you are saying with respect to co-operation. I would also point out that I have noticed throughout the province another type of co-operation, a co-operation between boards, coterminous areas, and co-operation in meeting the local concerns with local solutions. This is what we are seeing in different areas. I do not want to lead one to believe that it is in every area.

The boards are looking at sharing, looking at transportation costs and looking at making certain their courses remain viable. That is done through a co-operation of local concerns, local solutions with local concerns. I do not know whether you wish to comment on that but I point that out.

**Mrs. Scott:** Yes. I would like to comment, and perhaps Mr. Phillips would also like to comment.

Our concern as trustees is that we are very much aware of the cutbacks to education over the last decade. The promises that were made were not carried through because of restraint. Our concern as trustees is that it is all well and good, while the pot is full, if you decide to implement whatever the government decides is necessary for society to have implemented, but what happens down the road when, all of a sudden, the recognition is there that not only is the secondary system as it exists today under great financial strain, but it, as well as its separate school counterpart, will also have a great strain on the services it provides for our youngsters?

I do not think the normal person in the general population is aware of the financial impact the extension of funding, declining enrolment and Bill 100 have on the education system. It seems many people out there say, "Why, of course, it is wise and just," whatever is wise and just, and they are the people in the communities who do not understand that the financial ramifications are enormous. When they do find out, they are going to be greatly concerned about the welfare of their students.

Another comment I would like to make on behalf of the association is that we feel very betrayed by our separate school counterparts in the sense that we all have made petitions to the government over the past 10 years for additional support in education: "Please, you must come through with what you have promised us. We are all crying. We are all under severe restraint." Now, all of a sudden, we in the public school sector do not hear those cries of financial restraint any more. As trustees who are elected for the common good of our students to represent those interests, it seems peculiar.

**Mr. Phillips:** You must remember that right now we are in a situation in which the boards of education of this province have serious concerns that the new policy announced by the provincial government is not constitutional and that the courts will decide it cannot be implemented. Then any students who have moved over will be doubly dislocated because, if funding is not available, there will again be a disturbance of the educational opportunities of those youngsters, resulting in confusion and problems. This is why we feel there should be no implementation before that is resolved.

Let us suppose that, when the Supreme Court of Canada finally makes its decision—I have no doubt that is where the case will end up, because it is such a fundamental issue—and determines what should occur here, that it determines it is not constitutional. Then I think the changes will have to flow back, whatever happens.

If the Supreme Court of Canada determines it is the constitutional right of Roman Catholics in Ontario to have their publicly funded separate secondary schools, just as they have a right to publicly funded separate elementary schools, then our association will have to accept that, just as we have accepted the funding of Roman Catholic separate elementary schools, and at that point we will take all necessary steps to co-operate fully in the implementation.

If, however, the courts rule it is not constitutionally required to fund Roman Catholic sepa-

rate secondary schools, we feel the whole idea of funding a religious school system for one denomination is fundamentally in opposition to the Constitution of this country and to the Charter of Rights and Freedoms, and we must, of course, say it is improper, it is wrong to do so and we would hope the government of this province would so agree and not provide such funding.

So there are different questions out there that are the ones in which our organizations must operate. We have shown in the past that we have a willingness to co-operate with separate school boards within their legitimate rights to provide schooling. The public school system is not opposed to separate elementary schools, because we recognize the constitutional right for that to happen. But in the secondary school area there are questions that must be decided before we go down the path and disrupt the education of the public secondary school system and change the separate school system and maybe have to change it back.

For goodness' sake, it has been almost 120 years since 1867, certainly more than 120 years since 1863, when the Scott act was passed. What is the hurry? Can you not take time to work out the problems, to make certain you are constitutionally correct? What is your hurry? You are playing with the lives of youngsters. You are playing with the wellbeing of school systems. Pause. That is our first recommendation: pause.

**Mr. Callahan:** Mr. Offer's question poses another question. He says that in the one instance you were using a 100 per cent transfer of children from the public school system to the separate school system. In the preparation of your brief, have the maximums been used in every instance?

**5:20 p.m.**

**Mr. Phillips:** If I may explain that, we are saying that when full implementation occurs, the separate school board will retain all its students. We are not saying any student will transfer from a nondenominational secondary school to a Roman Catholic secondary school. We are talking about the retention of students, which is what Premier William Davis said in his statement. He said, in effect, "We will give the separate schools the ability to educate their youngsters all the way through secondary school." We took that as a given, over a period of however many years it takes to achieve that.

**Mr. Callahan:** With respect, perhaps I did not ask the question clearly, because I do not think that responded to the question. If in your submission you have set up a hypothesis that tells us what will happen if 100 per cent of the children

transfer from public to separate schools, is every other facet of your brief based upon the optimum or the maximum? If I read through this brief, should I read through it with the caveat that each and every statement made therein is the absolute worst thing that could happen in terms of the maximum result?

**Mr. Phillips:** No, sir, it is not. The worst that could happen, the worst-case scenario as people call it, the greatest movement of students that could happen would be that the separate schools would retain all their youngsters within—you use the word "transfer." We are not talking about transfers. We are talking about retention within the system.

On top of that, students in large numbers could transfer from the nondenominational secondary schools to the separate schools, and the Roman Catholic students who are public school supporters within the public school system could turn their tax support to become separate school supporters and move to that system. That would be the worst-case scenario. We are not talking about the worst case scenario.

We are only talking about what Premier Davis said, that the separate schools would retain their youngsters within their school system and provide a full secondary education for them. We are only working on what he says. I ask you again, have you said anything different?

**Mr. Callahan:** I am still not sure my question has been answered. I am trying to find out about the facts you used to support a particular argument, as was recognized by Mr. Offer in his questioning. You said 130,000 children. That is a dramatic statement. That throws me back when I think about it. What I want to know—and I will read this report again—are you using the maximum points of reference? In other words, you have used 100 per cent of the students to give the facts to us dramatically of what would happen if all of this took place. Are all the other suppositions and statements of fact contained therein based on the absolute maximum? That is all I want to know.

**Mrs. Morrow:** Perhaps if I try to answer it, we will get to the point we are trying to make. We are talking about students in grade 8, grade 7 and grade 6 in the separate elementary schools at the present time who, under Bill 30, will not come into the public school system. Under Bill 30, once you are a separate school supporter, you are the responsibility of the separate school board for secondary education; so there will be 130,000 students who might have come into the public school system for secondary education who will

no longer come into the public secondary school system.

**Mr. Callahan:** I appreciate what you are saying. Let us move from the 130,000, 100 per cent factor. Let us move to the other areas of your submission. I would like to know whether you have used the absolute, the outermost ceiling in arriving at some of the submissions you have made.

The only reason I say that is Mr. Offer has asked you whether the estimate of 130,000 pupils—that is a very dramatic statement—is made on the basis of 100 per cent. I would like to know whether the other statements made herein also are based on the—I do not want to use the word “worst” because that is a bad word—very farthest possible thing that could happen, the most dramatic thing that could happen.

**Mr. Gillies:** The best bad thing.

**Mrs. Morrow:** I think the reference in the brief in a couple of places was to somewhere between 10 and 15 per cent, and that is a very modest guesstimate of those who may transfer. It could go as high as 40 per cent. Of course, there is the possibility it might be less, but we chose a very modest figure.

**Mr. Callahan:** So I can read the rest of this report in terms of it being modest as opposed to the higher end of the scale with reference to what is going to happen if the implementation takes place?

**Mrs. Morrow:** Yes.

**Mr. Callahan:** I think you have answered me, and it will allow me to read it in that vein.

The second thing I would ask about is that an initial decision seems to have been made that the funding is unconstitutional. Reference is made to the charter, but I have yet to see a reference to section 29 of the charter, which states, “Nothing in this charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.”

That being the case, I do not follow the initial concept that the rights under the British North America Act have been removed by the charter. The charter specifically addresses the retention of those rights.

**Mr. Phillips:** The rights of Roman Catholic separate schools as they existed in law in 1867, which is what is referred to in section 29, were for the funding of elementary separate schools.

**Mr. Callahan:** For basic education.

**Mr. Phillips:** No. Nowhere was the concept of basic education included in the concept. If you

will recall the submissions before this committee, it has been made clear that the Scott act, passed in 1863, referred to the common schools, the elementary level. But in 1866 the Bell bill was introduced. It contained within it the proposition of funding for secondary education for Roman Catholics. The Bell bill was withdrawn shortly after it was introduced because there was no support for it.

Along came 1867, which was the critical date of the locking-in of rights. Then in 1871, shortly thereafter, with most of the same people involved, while they could have extended funding to separate secondary schools, because there was no Charter of Rights and Freedoms at that time, they chose instead to establish a nondenominational system of secondary schools.

If anybody can argue that there was an intention before 1867 to fund high schools for Roman Catholics, the mind boggles that one could believe that under those circumstances.

**Mr. Callahan:** I do not think anybody would argue that. In any event, this is a question that quite obviously will be determined by the courts. We may get hamstrung in a position where it is before the courts and we may no longer be able to discuss this matter.

The final item is one I have asked other people who have appeared here today. Recognizing the pronouncement that was made in June 1984, recognizing the additional factor that the principle is supported by all three parties and recognizing the things that children, families and school boards have done, do I gather—and I am perhaps asking a rhetorical question, because I think it is clear in your brief—that you are saying: “Put everything on hold. Let these people who have made these choices and decisions not receive any type of assistance until the Supreme Court of Canada has made a decision on this?”

I think you are being optimistic. A year? It could be much longer than that. I gather that this is what you are saying.

**Mrs. Scott:** Yes. That is what we are saying.

**Mr. Callahan:** As a matter of fairness, I know you are expressing the views of the organization you represent, quite obviously.

**Mrs. Scott:** Forty-seven boards.

**Mr. Callahan:** Do you think it is fair that the legislators of this province just say: “All right, these things were done. You relied on them. We are going to put you all on hold, and when the decision is rendered, we will then do whatever the decision says?”

**Mrs. Scott:** I think that is the fundamental direction the government must go in if it is concerned about the welfare of students.

The second point I would like to make on that issue is that separate school boards have had to rely on the regulations and the legislation. Boards are not allowed to go out and spend public money without direction from the Ministry of Education or the government. It seems peculiar to us in this particular case that without regulation or legislation, great amounts of money are being allowed to be spent with no laws to provide for the spending of them.

We see this as having a detrimental effect on all students of the province because, if it is found it is not constitutional to extend funding, then the only recourse in a democratic society is to turn the bill backward. Then what will happen in all of the schools in the province at the secondary level, be they separate or public?

Our concern goes back to the welfare of our young people. Our position very clearly is that if

it is constitutionally agreed that the extension of funding to separate secondary schools is constitutional, then we will co-operate. We would have no intention of going against the law of the land.

Mr. Chairman, if I may interrupt Mr. Callahan, we have been invited to meet the Minister of Education at 5:30 p.m. I wonder if you will excuse us.

**The Acting Chairman:** You are entitled to be excused.

**Mr. Phillips:** We will be willing, Mr. Chairman, at any time to come back and consult. I think we probably are showing more courtesy to the Minister of Education than he showed to us today.

**The Acting Chairman:** Courtesy is always a good idea, I imagine. We are recessing until 7:30 p.m.

The committee recessed at 5:32 p.m.

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Bolger, W. P., Director of Education  
 Givens, G. R., Chairman  
 Marchand, G., Chairman, French Language Instruction Unit Committee; Past Chairman  
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### **From the Ontario Public School Trustees' Association:**

Morrow, K., Executive Vice-President  
 Phillips, W., Acting Executive Director  
 Scott, J., President





No. S-33

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Thursday, August 29, 1985

Evening Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, August 29, 1985

The committee resumed at 7:39 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Acting Chairman (Mr. Reville):** The first deputant tonight is Ms. M. Isabella O'Shea. Welcome. I understand you have travelled from Kingston.

**Ms. O'Shea:** Yes, I did.

**The Acting Chairman:** Thank you for being with us. This is exhibit 467.

M. ISABELLA O'SHEA

**Ms. O'Shea:** Mr. Chairman, before I start, I would like to express my concern for and my gratitude to Mr. Johnston for the excellent job he has done so far. I saw him in action in Kingston and I hope he will have a speedy recovery.

**The Acting Chairman:** We are hoping he will be back at the committee on Tuesday.

**Ms. O'Shea:** I do not think I need to read through my whole brief; I will just highlight it. Those of you who are interested have copies. I made the submission because of the sacrifices that our parents made for us, paying taxes to the public schools and sending us to the Roman Catholic private schools at that time. I just want to give you an idea of the extent of my experience, so you will understand where I come from.

As I said, I have tried to be a lifelong Christian and I am a graduate of the Roman Catholic system. I did grades 1 to 10 in a one-room rural school on Wolfe Island with 52 children and one teacher, if you can imagine it, and we learned. I did grades 11 to 13 at Notre Dame Convent, Kingston.

I am a graduate of Ottawa Normal School and have been a teacher for 16 years in the public school system, 15 years of which were in the Department of National Defence schools in Canada and Germany and 20 years in the Roman Catholic public school systems, grades kindergarten to 8; mainly, primary, special education, Christian family life education and librarian.

I have been a member of the Ontario Teachers' Federation since 1944, when the organization came into existence and when we had a choice as to whether we joined or not. We each got a letter from the Minister of Education, asking us if we wished to become a member. If we did not, we were to let him know by mail by a certain date, so we were members by choice.

For 16 years I was a member of the Federation of Women Teachers' Associations of Ontario and 20 years a member of the Ontario English Catholic Teachers' Association. I am now a life member of OECTA, an associate member of FWTAO and an active member of Superannuated Teachers of Ontario.

I am here before this committee especially as a concerned citizen of this beautiful and bountiful but unfair province of Canada as far as Catholic secondary education is concerned.

Members of the social development committee, Mr. Chairman, supporters, opponents and members of the press, to be fair to the present and recent legislators of this province, it is encouraging to the undersigned, and it is with gratitude noted that the steps are at present being taken to right most of the wrongs in education suffered to this day by the Catholic citizens of this province.

The undersigned presents this brief in response to your invitation. It was earnestly hoped this brief would be presented in Kingston, but such was not to be the case. The undersigned hopes you will find these few thoughts helpful in understanding and measuring some of the injustice and injury that has been heaped on people who came into Confederation in 1867, believing they would be treated at least as fairly in Upper Canada—Ontario—as were the minorities in Lower Canada—Quebec.

Because of the religious prejudice of the existing majority at that time, Roman Catholics in Ontario have suffered a historical injustice and have been deprived in varying degrees since then of their rights in this province, a province which beats its collective chest about British justice and fair play. To paraphrase a famous British leader of more recent times, "Some justice! Some fair play!"

It is not only fair, but it is 118 years overdue for the Ontario provincial government to com-

plete the funding of the Roman Catholic secondary school system.

It would not be at all outrageous for this province to make Ontario a place to stand and a place to grow to make restitution for this group injustice, which was really more than that. Indeed, it has been a prolonged and legalized robbery of Catholic parents by the educational system of Ontario down through the years since Confederation. They have paid over the years for their own children's secondary education, plus they have paid for the secondary education of the rest of the children of the province. Perhaps the impending case before the Ontario Court of Appeal will give some favourable consideration to this matter.

Many times over the years, children of Catholic families have been split up because of the extra expense of special education and technical training. Those with an academic bent, usually economically provided for, stayed in the Catholic secondary schools, while other members of the same families had to attend other schools, publicly funded in the community. Parents want and deserve the same environment for all their children.

Pre-Confederation status quo and Confederation agreements guarantee two separate publicly funded school systems in Upper Canada, Ontario, and in Lower Canada, Quebec. Who would have ever thought that Quebec would honour its historical challenge, even up to the university level, while Ontario would renege?

Whether or not the Roman Catholic schools are publicly funded, which is their historical right, Roman Catholic parents will continue to exert strong influence concerning the education of their children, inside and outside their homes, as they have until now. This is well known by the residents of this province, except perhaps by those blinded in varying degrees by bigotry and/or self-interest.

The majority of Catholic parents believe the school should be and is an extension of the home. A child's parents are his or her first and most important teachers. This privilege and responsibility is continuous, never nullified, but delegated; so, therefore, are the concern and involvement of most Christian Catholic families.

Ideally, the environment of the Catholic school is a reflection of the Catholic homes concerned—supportive, prayerful, nonviolent. Christ, the Prince of Peace, we claim as our model. Religion is not just a subject taught, but it is also a way of life taught.

Please do not underestimate, dear professionals—be you teachers or clergy, politicians or communicators—the dedication and determination of Roman Catholic parents, the laity, to supervise the development and education of their children—gifts of the Creator—to be treasured, cherished and nurtured, to be brought up to know, love and serve God so they may be happy through Him here and with Him for ever.

If a pagan lady of ancient Rome could call her children her jewels, how much more so those who try to follow Christ?

Part of the problem of prejudice in our province and perhaps in some of the other provinces is the bias to be found in our history books. A number of years ago the undersigned wrote to a former Prime Minister of Canada suggesting that one means of tackling this issue would be to assign, perhaps to the Council of Ministers of Education, the job of putting together as far as possible a factual, chronological account of Canada's story; that is, if possible, an unbiased core.

To flesh out that basic information, copies of documents and correspondence of all kinds, appropriate to age and interest, could be made easily available. That would encourage our young people with their wider knowledge of people and places to sort out the bigotries, biases, injustices and prejudices, rather than be presented with them as one of another person's digestion of the so-called facts, as is often the case in many past histories and no doubt most of the present.

There is one volume that may be of interest to the committee. I guess you have already heard about it. This is just one volume. There is a second volume, but I did not bring it. As a result of the publication of the first report, which I do not have, the author was asked to do a more thorough history. Another book I would like to recommend to this august body is John Henry Cardinal Newman's *The Idea of a University*. If you read through that, you will have an idea of what is different about Catholic schools up to university level.

As one who taught in both situations, I can say there is no comparison for a Roman Catholic child in a so-called public or common school. In the Department of National Defence public schools, the strength of faith and dedication of the Catholic parents, especially the mothers, were the main resources of their children in these schools as far as religion is concerned.

There is no way that 20 minutes, half an hour, or even more per day of religious education or

catechism compares, let alone supplies the total environment of the Catholic school that the parents want for their children and deserve through justice based on a hope for and an understanding of fair play.

Fifth form was the only form of secondary school in early days. It shocks and disappoints one to study how such a situation could be misused and limited to suit a bigoted and prejudiced majority.

To use a primary rhyme, "If 'ifs' and 'ands' were pots and pans, there would be no room for 'maybes.'" If Catholics had been treated fairly and justly in Ontario since Confederation, then by now, and there is no maybe about it, this whole situation would have resolved itself. People and resources would have been appropriately apportioned to the two historically appointed systems of education in this province. The mills of the gods grind slowly, but they do grind exceedingly fine.

**7:50 p.m.**

In the opinion of the undersigned, it is not fair now to ask the injured party to pay the damages in possibly weakening its system, even if it is only on a temporary basis.

The undersigned wants to thank particularly in this presentation a mother and a father who sacrificed so much to give us a Catholic secondary education, as well as all the other Catholic parents who have done the same for their children. Special thanks, too, to the lay Catholic teachers of elementary school days on Wolfe Island and to the sisters of the Congrégation de Notre Dame, Kingston. These dear sisters devoted not only their talents and their time but also their financial resources to assist families, especially those with more than one student, as was usually the case with families then.

The undersigned is appreciative of the members of the affiliates of the Ontario Teachers' Federation, with whom she has worked for the children of this province and country. It is disturbing, though, to hear and read about some of them lobbying against the just and fair play that are long overdue to the Catholics of this province.

Co-operation and peaceful solutions to problems are parts of the school curriculum in most schools in Ontario. They may not be in Northern Ireland or in Lebanon; the undersigned does not know. Why, then, do the adults of this province not show the practice outside the schools?

In our modern society, perhaps because of secularized education, we tend to see in our province and in the western world as well as

elsewhere a personal ethic and a business ethic. How can this logically be? Perhaps this is why so-called pure capitalism tends to fall into serious disrepute with Christians, as does communism. Religion is a way of life, not a costume one puts on on Saturday or Sunday, to discard in the so-called marketplace.

To quote a former Minister of Education, "We hope that all teachers, administrators, trustees and parents will find it easier to keep overall objectives in clear perspective, remembering always that the individual child in the classroom is the ultimate reason for the existence of our schools." That is from *The Formative Years*, by Thomas L. Wells.

That has always been the overview of the Catholics of this province, for, "What does it profit one to gain the whole world and lose one's immortal soul?"—Matthew, Mark and Luke.

**Mr. Callahan:** Ms. O'Shea, you refer to Cardinal Newman's book. The Idea of a University. As I think you recognize, the University of Toronto is a classic example of that, where there are numerous faiths, secular colleges and so on, all encompassed in a single entity.

As I recall that book, his main theme was to put all of these together for the benefit of a particular religious education within a particular college, but also for the benefit of a broader scheme of things in associating with people from various faiths and people who had no faith, and interacting with them as human beings.

You use that as a statement of strength in terms of that. From your teaching experience over the years in the various fields you have been in—the public school, the Catholic school, the Department of National Defence—were you trying to tell us that you saw this as a strength, that maybe not today but somewhere down the line this idea of Newman's was an objective to pursue?

**Ms. O'Shea:** The objective of Newman was for the older student. I am just saying that for the younger years, the formative years of a child, we believe the elementary school and the secondary school are an extension of the home. Once one gets to college, and in the upper grades of elementary school too, one begins to deal with the world outside.

**Mr. Callahan:** Let me play devil's advocate, because grade 13 traditionally is really the first year of university.

**Ms. O'Shea:** Right.

**Mr. Callahan:** Can I read into this that you are advancing the theories of John Henry Cardinal

Newman, with perhaps a reflection on that being the approach that is taken in the future?

**Ms. O'Shea:** Newman very carefully said, though, that to a Catholic student you have people teaching mathematics, pure science, things like that, but you do not have non-Catholics teaching philosophy.

**Mr. Callahan:** I would conclude that you, as a teacher, having presented this brief, would find no difficulty with reference to things of a technical or vocational nature. I am thinking of woodworking, perhaps computer science or whatever, services being purchased from a central facility that would service both the Catholic and the public school system.

**Ms. O'Shea:** No, not at all, as long as it stays out of the line of philosophy and that sort of thing.

**Mr. Callahan:** With your experience in the public school system, the Catholic school system and the Department of National Defence, do you not see some of the attractive things currently in the separate school system—i.e., the fact that it is privately funded for the grades it is; in many cases uniforms are required apparel, as they were once in the public school system before it changed its approach; the teachers stay on beyond the hours of 3:30 or 4 p.m., whatever it is, and get involved in the after-hours activities, as they did in the public school system at one time—do you not see those being threatened by full funding?

The reason I ask is because I understand St. Michael's College School and a couple of other schools have opted not to participate in the program.

**Ms. O'Shea:** I am not aware of why St. Michael's did or did not. As far as uniforms are concerned, if the schools are the extension of the home, as I think most Catholic parents believe, and if the majority of the people in a community wanted uniforms, I do not see any reason it could not be a community scheme. If they want to save on the children's clothes or whatever—there are various reasons given for wearing uniforms—I do not see any reason they could not do it as a community committee. Just as you have options in one school and not in another, I do not see why uniforms could not be an option in one school and not in another.

**Mr. Callahan:** Realistically, those obligations and requirements under a somewhat private system are much easier to require—not impose but require—than they would be if the system were totally public.

**Ms. O'Shea:** Oh, without doubt, because they either take it or leave it. In a private school, you either do what is asked or you go elsewhere.

**Mr. Callahan:** That is why I have to go back to the same question. Does it concern you that this degree of discipline—and it is unfortunate, because I think it existed in the public school system 10 or 15 years ago—that tradeoff will result in that attractiveness being gone?

**Ms. O'Shea:** I do not find uniforms particularly attractive, but I feel a dress code could be enforced. There is absolutely no reason a dress code cannot be enforced in school. You would not walk into an office to work dressed in a bathing suit; not twice. I do not see why children could not be expected to wear a certain type of clothing to school. I do not think it has to be a uniform, but a dress code can be enforced. It is more to the point in this day and age that you be dressed for the job you are doing and not be dressed for the beach.

8 p.m.

**Mr. Lane:** You and I have something in common in that I too went to a one-room school with 42 pupils and one teacher. That was back in the 1930s. I am here tonight and I appreciate what my parents did for me. I see you are rather emotional about the sacrifices your parents made for you. After that, we sort of part company on this brief. I think you are speaking for yourself and not for any particular group. Basically, these are your own thoughts.

**Ms. O'Shea:** Yes.

**Mr. Lane:** I was hoping they were. Although I am not a Roman Catholic myself, I have many constituents who are and I know they would not agree with what you have said about Ontario with its bigotry, bias and that kind of stuff. If it is so bad, why are we here?

**Ms. O'Shea:** I said it was—

**Mr. Lane:** Why would it be the fastest-growing province in Canada in population, including Catholics, if it were all that bad? Did you not overstate that?

**Ms. O'Shea:** I do not think bigotry and bias stop growth. They stop personal growth, but they do not stop industrial growth.

**Mr. Lane:** We have a right to be where we want to be and we would not be someplace where all these things were going on if we did not approve of it. I do not want to condemn you in any way. I just feel you have overstated the fact.

**Ms. O'Shea:** That is your privilege.

**Mr. Lane:** I know a lot of my Roman Catholics would not agree with what you said. That is all.

**Mr. Allen:** I am sorry Ms. O'Shea did not manage to get on to our crowded agenda in Kingston. I guess there were others in Kingston, too, but they have not made the sacrifice of getting on the train or however you came all these miles to make your presentation here. I am glad you have done that. It shows there is some motivation behind your words.

I do not think I heard you trying to demean Ontario. I heard you say that from a Catholic point of view there was a kind of legalized robbery, what I guess one would have to concede some other people considered to be proper and just taxation to support what they felt there ought to be; namely, a predominantly public school system. They have their own arguments. One does not always look for the same from both sides. We all have to accept that.

Your central note, that the school is the extension of the home, never nullified delegation. That is a phrase we all need to keep in mind. In the 1890s, when the province began to move on children's aid societies and so on, it had to reconcile how far the state could go in terms of being a substitute for the parents, but the emphasis was always on using a home model and the model of a family, even if you were trying to act in the place of a family. That is an established principle, one we have to reckon with.

You have come all this way and you have told us how pleased you are to see Bill 30 and the extension of funding. I wonder whether you have any reservations about Bill 30, whether there are any special items that concern you that you think we ought to hear before you leave this chamber and make your way back to Kingston.

**Ms. O'Shea:** Oh, indeed. I do not think I specified things at the bottom of page 7. I did not go through Bill 30 clause by clause. Everybody else has been doing that. I feel it is not fair to have strings attached to funding. I know it is a very hot issue, but as far as Roman Catholic parents are concerned they do not deserve to have strings attached. Either it is legally due them or it is not. If it is legally due them, there should be no strings attached.

**Mr. Allen:** I can see the logic of that kind of argument. None the less, would you agree, for example, there has to be some kind of accommodation of a generation of teachers in the public system who did not expect this to cross their horizons at this point? There are a lot of times this might well have been done, and better done than

now, but it is striking a particular generation of teachers.

Somehow, in view of the event, we all have to try to accommodate and compromise in the interests of justice and fairness to a group of people who did not expect this to happen to their careers. They are being displaced from jobs as a result of it. Do you find it a problem to have a transitional period in which they are granted certain kinds of privileges—others would perhaps say rights—which they would not otherwise have?

**Ms. O'Shea:** As an old maid, it is probably hard for me to say this, but I do not feel that Catholic parents who believe in separate schools, who send their children to separate schools and have done so till now, should have to be faced with the idea that someone is teaching their children philosophical things. This is done in history and subjects other than catechism; it is done in English and so on. If somebody has a point of view that is entirely against catholicity, I think some Catholic parents would be disappointed with starting up private schools, I really do, if that comes to be the case.

**Mr. Allen:** When we have asked this question of Catholic educators, including some principals, vice-principals, supervisory people, and directors of separate boards of education, they almost universally told us their experience with non-Catholic teachers in the system has been unusually good.

They expect non-Catholic teachers to come into that system as professionals, to be competent in their fields, to lead children in a mental exploration of that field in an unbiased, balanced fashion, not to ride their own hobby-horse and not to inject into the discussion their own position to the disadvantage of any other position. By and large, they seem to have found that has been the case. That is the way in which teachers are trained to function; perhaps the odd one does not, in both systems.

Given that, and if a teacher functions in this fashion and accepts this kind of a code, if you were assured of that, would it make you feel less uneasy?

**Ms. O'Shea:** Yes, and if teachers were allowed to come voluntarily rather than being forced to come into the school. I think anybody who is forced to take a position would feel angry about it to begin with and, therefore, would not have good attitudes about a lot of things, except keeping the job and the cheques. I feel that if the teachers were allowed to volunteer for positions in the system, this could be beneficial. I would

hate to be forced to teach under a system I did not believe in and I would hate to think anybody else would be forced to teach under a system they did not believe in.

**Mr. Allen:** You will be pleased to learn we are leaning very heavily in the direction of the volunteer arrangement, the designation of positions, perhaps even the option to public school teachers to conscientiously refuse employment if they feel they cannot fit into the alternative system. I think we all agree this would perhaps smooth things a great deal on both sides.

Thank you very much for coming.

**The Acting Chairman:** Thanks for coming and presenting your views to us. Have a safe journey home.

**8:10 p.m.**

#### COMMUNIST PARTY OF CANADA

**The Acting Chairman:** The next deputation is from the Communist Party of Canada, exhibit 549. Mr. Massie and Mr. MacLennan.

**Mr. Massie:** I am Gordon Massie, Ontario leader of the Communist Party of Canada. We welcome this opportunity to appear before you to present our views on a matter of extreme urgency and importance in Ontario, not only because of Bill 30, but because the central issue in this debate, as we see it, is the future of the public education system in Ontario.

I would like to read our brief, which is very brief, and then respond to any questions committee members might pose.

The Communist Party of Canada was the only political party in the last provincial election to oppose the extension of funding to the separate school system for grades 11 through 13. We did this not because of any anti-Catholic bias, but because of great concern for the future of the public school system and the need to avoid discrimination and sectarianism in our schools.

In 1971, Premier William Davis resisted pressure to extend funding, stating that "support would fragment the present system beyond repair and recognition, and do so to the disadvantage of all those who have come to want for their children a public school system free of a denominational or sectarian character." He argued further that such a policy cannot in reason or justice be limited to some faiths and denied to others. Nor can it, in logic, "be limited to the elementary and academic secondary school systems alone. We inevitably would be obliged to proceed throughout all our educational institutions to fragment and divide both our young

people and resources, from kindergarten through post-graduate university studies."

What happened to Mr. Davis between 1971 and 1984 when he completely reversed himself on this issue?

With Bill 30, the Liberal government, with the support of the other two parties at Queen's Park, is proceeding by cabinet decision to make extension of funding a fact even before the constitutionality of the bill has been tested in the courts.

Bill 30 opens the way for other denominations and private schools to demand public funding, leading to a further balkanization of the education system in Ontario, and adds grist to the mill for those neo-conservative forces who would like to privatize education.

Bill 30 is hypocritically advanced as the way to end discrimination and sectarianism in the school system. Publicly raised funds, in principle, should not be used for the promotion of any religious denomination within the school system. The way to end any and all discrimination is to remove all religious overtones and build a truly secular school system where children could not be discriminated against due to religious or nonreligious backgrounds. We need an education system where children will not be segregated from each other due to their particular religious beliefs. Any other way would lead to privileges for one religion over others.

Public funds should be used to support a non-denominational school system which is neutral with regard to religion. This would guarantee that no one religion would find favour over others. It also would guarantee that no religion would be discriminated against. The public school system is the only guarantee of non-discriminatory education.

It seems well to recall that the establishment of the public school system in Ontario has a long historical background, dating back to the early 1820s, through the school acts of the 1840s and 1850s, and culminating in free schooling under the act of 1871. The public school system did not come easily, and the struggle for it involved the basic principle of the separation of church and state and of church and school as a pivotal point.

Its success was grounded in the concept advanced by that great scholar Egerton Ryerson, "that every child in the land has a right to such an education as will make him a useful member of society," with "one comprehensive and unique system of education, from the ABC of the child up to the matriculation of the youth into the provincial university." Surely the system found-

ed by Ryerson is worth saving and developing further.

There are three specific aspects we believe clearly show not only the discriminatory nature of Bill 30, but also the fiscal irresponsibility of it.

First, after a transition period, when discrimination would be somewhat muted, the hiring procedures for teachers and staff would revert to privileged access to jobs for those of the Catholic faith.

Second, children of the Catholic faith would have first-choice access to separate schools over children of other denominations and creeds. This is unacceptable in a publicly funded system.

Third, the costs of the initial transition period are estimated at \$430 million, and hundreds of millions of dollars after that.

Who will pay these costs? The Ontario government's share of the education costs has been cut back by almost 12 per cent since 1975. It is obvious the enormous costs involved will fall on the taxpayer through higher property and income taxes. Further, an already underfunded public school system will have more funds diverted from it.

It would also be useful to examine whether this could become part of the scenario for the pooling of industrial and commercial assessments, whereby all the education portion of property taxes so assessed would come under the direct control of Queen's Park, undermining the financial base of autonomy for municipal governments and school boards.

The continued regression of public education in Ontario will be furthered by Bill 30. We have a tax on the public school system, a tax on post-secondary education and a tax on special school programs and cutbacks all down the line. Where will it all stop?

Ontario needs a public school system as never before. The rapid advances in science and technology require the extended development of the public school system as never before. To prepare our children for the real world, we need the comprehensive development of public school curricula, both in the social and technical sciences.

This will be difficult, if not impossible, in a balkanized school system with public funds scattered around various schools of a denominational or private nature. The extension and further development of our public school system is the imperative need of education today.

For these reasons, the Ontario executive committee of the Communist Party of Canada calls for the immediate withdrawal of Bill 30 and

for the extension and further development of one unified, nondenominational public education system based on the principle of separation of church and state and church and school, where children of all denominations or no denominations can receive a quality education. Within this context, measures to protect the language and cultural rights of Franco-Ontarians must be ensured.

We also call for measures to upgrade the school system in rural areas and small communities; for an end to cutbacks and the restoration of full funding; for education costs to be removed from the property tax and become the responsibility of senior levels of government; for a reduction of class sizes to ease teachers' work loads and provide for individual attention for students, and for the public protection of the autonomy of local school boards based on national and provincial education standards to be maintained and extended.

**Mr. Callahan:** I am not sure if, from your last page, you are going to answer this, but I gather from what you are saying that you are concerned about the constitutionality of the funding. If the constitutionality were proved, would your position be the same as on page 4, the immediate withdrawal of the bill?

**Mr. Massie:** I believe Bill 30 is unconstitutional. That is before the courts for them to decide.

8:20 p.m.

**Mr. Callahan:** Bear with me. If it was found to be constitutional, what would be your position?

**Mr. Massie:** As I read the British North America Act, it provides for funding of separate schools up to grade 8. In 1943 in Ontario, that was extended to grades 9 and 10. My reading of the BNA Act, which now serves as our Constitution, is that Bill 30 would be unconstitutional.

As I say, that is before the courts. If the courts decide it is constitutional, then there would have to be a constitutional amendment that would enshrine the principle of the separation of church and state and church and school.

**Mr. Callahan:** You have answered my question. Even if it were found constitutional, as you say on page 4, you would want a constitutional amendment and Bill 30 withdrawn.

Where do you propose that religion should be taught?

**Mr. Massie:** In the home and in the church.

**Mr. Callahan:** You have referred in your brief to the question that schools should be neutral with respect to religion. Are you familiar with the situation in some of the larger cities in the United States where exactly that has happened?

**Mr. Massie:** To some degree, yes.

**Mr. Callahan:** Are you aware of the results of that withdrawal or neutrality in religion in the public school system in the United States?

**Mr. Massie:** It varies. Most states, I understand, have upheld the US constitution, which is for the neutrality of schools with respect to religion.

**Mr. Callahan:** I was thinking more of the problems they have in the schools in the United States with racial violence, lack of discipline and lack of caring about other human beings' rights and privileges.

**Mr. Massie:** I think what you are talking about there goes way beyond the school system and pervades the very fabric of American society. Racial violence goes beyond religion as well.

**Mr. Callahan:** I may be asking you for speculation, but would you be prepared to concede that the education of a child or a young adult, perhaps through the neutralization of any form of religion in schools in the United States, has helped them along the way to where they are?

**Mr. Massie:** Yes.

**Mr. Callahan:** Thank you. Those are my questions.

**Mr. Allen:** Mr. Chairman, I recall a brief we had about three weeks ago. I did not get to ask a question on this particular facet of it, but Mr. Callahan's question reminded me of it.

In defending the public school system of Ontario, the American example was given as the model to follow, with the separation of church and state rigidly applied, as has not been done in Ontario. That was set up as the great model to follow. About five pages later, the person described the United States as the most alienated society, in his view, that currently exists in the western orbit of nations.

It leads me to question whether you can point to any study that really tells us that one eliminates and ends all discrimination by removing religious overtones from a school.

**Mr. Massie:** Maybe it would be best to answer that question from personal experience. As you know from my accent, I come from Scotland. You will never guess which part.

**Mr. Allen:** We are not that good.

**Mr. Massie:** We had schools that were both Protestant and Catholic, and there were rivalries between these schools up to and including physical violence for no other reason than religious bigotry. That is from personal experience.

**Mr. Allen:** Personal experience often tells us some things and not others, and there are different historical circumstances that different communities find themselves in, I would submit.

**Mr. Massie:** Another thing, Mr. Allen, was the riots in France because of attempts to remove religious overtones in the school system.

**Mr. Allen:** Yes, I understand that happened in France, but I also know from the study of the sociology of religion that often what are described as religious phenomena in fact are the phenomena of social class.

**Mr. Massie:** Yes, that is true.

**Mr. Allen:** Economic status, position of power, all sorts of things. If one looked back in Ontario's history, I suppose one might say the Catholic school in Ontario had pre-eminently its place as a working-class institution among the Irish poor and that the reaction against it, one could even argue from the point of view of the dominant majority, the élite in Ontario, was precisely a class reaction which was embedded in the nature of Protestant denominations.

What I am getting at is that the issue is much more complicated than when one says it associates religion and conflict. The issue before us now and quite frequently is quite some other conflict that is going on in the preservation of power, wealth and status. Quite frankly, I have yet to see a study which tells me the public schools of Ontario, as distinct from the Catholic schools, produce more informed, more personally balanced and more tolerant people.

In the recent last few months, we have had an example of anti-Semitism cropping up in a subtle way in a Catholic school in this province. We have seen it crop up in a very dramatic way in a public school in Alberta. I submit to you that neither context is a safeguard against that and that each of them in its own way teaches the unity of mankind, tolerance and understanding. Can one really demonstrate otherwise?

That is what I am getting at, because we are not dealing with fancies or just opinions; we are trying to get at hard data in this committee as to what will tell us what this result or another result follows from a certain kind of organization of

schools or what have you. We are trying to find that.

**Mr. Massie:** I can agree with you in certain aspects here in so far as religion is not the primary question. I think this is what you are getting at. It leads to social divisions.

**Mr. Allen:** No. I was suggesting that social divisions show up in forms of religion.

**Mr. Massie:** It shows up in forms of religion, but it is not the primary question. The primary question is the exploitation involved in society and the ability of those in political power, which you mentioned, to use religious differences to divide people who would normally have common interests, such as workers in Northern Ireland.

Protestant workers find themselves in conflict with Catholic workers. Before the violence broke out in Northern Ireland, Catholics and Protestants used to live together quite peacefully. Then, because of the whole number of social ramifications of British occupation, the whole number of ramifications of who controlled the Irish economy and by that control extended privileges to one section of society as opposed to another, they used religion to divide society.

It is quite true what you say. Religion by itself is only a reflection of the social division of society. We believe the protection and extension of the public school system would be a vehicle to help overcome the social divisions.

You should keep in mind that the formative years of young people are at school. If they are divided in the school system because of religion, they will be divided in their adult life because of religion. I think the public school system has operated in terms of access to it for kids of any denomination. I do not see any big problems in a public school in terms of religion.

**8:30 p.m.**

I think the central question we are dealing with is the future of the public school system. If we start extending funding to the Catholic schools and it is ruled constitutional or otherwise, will other religions have the right to demand the same thing on an equal basis? Can this society afford to develop a system where there are four, five or perhaps six different school systems? It is irrational as well as discriminatory and sectarian.

**Mr. Allen:** That is not necessarily a logical conclusion. I could paint you some other scenarios. However, I think you made the point I was trying to get at, that there are other underlying factors and that religion itself is often exploited by those other interests and used for

their own ends. That could be the social and economic scenario that is being played out and not necessarily the force of religion itself, which is universal and in the case of the Catholic religion, I submit, has its own, dominant message of human brotherhood.

For example, we have found that the teaching of religion in the Catholic schools embraces world religions. There are rabbis who come in to teach Judaism and what have you in some places. That is quite an example of tolerance. I would not want us to misplace our emphasis as to what we are looking at as the real roots of misunderstanding, intolerance and bigotry in our society. I think you would agree with me that we have to find the roots of those things and not the superficial expressions.

**Mr. Massie:** I get the point you are making.

**The Acting Chairman:** Are there any further questions by members of the committee? Thank you, Mr. Massie and Mr. MacLennan, for coming before us.

#### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION, DISTRICT 15, TORONTO

**The Acting Chairman:** The next deputation is from the Ontario Secondary School Teachers' Federation, District 15, Toronto. I must congratulate the members for being on time. It is exhibit 544. Perhaps you would like to begin by introducing the members of your delegation.

**Ms. Templin:** I will introduce my colleagues on the executive of District 15 of the Ontario Secondary School Teachers' Federation. On my right is Shirley Mitchell, who is vice-president; on my left is Wayne Cushman, who is an executive secretary.

District 15 is the local affiliate of the Ontario Secondary School Teachers' Federation. We represent 2,400 public secondary school teachers in the city of Toronto. We associate ourselves with the concerns that have been presented to you by our colleagues across Metropolitan Toronto and throughout Ontario in that we are opposed on grounds of principle and practicality to the extension of funding to the separate secondary schools or to any denominational or private school.

We have some specific comments to make on behalf of the teachers of Toronto and on behalf of a system of public secondary education that is open to all and does not believe in discrimination on any grounds.

I am going to ask Wayne Cushman to take you through some general observations about the proposed funding.

**Mr. Cushman:** As is true in many large urban centres, multiculturalism is a reality in the city of Toronto. The public schools of Toronto have played a major part in assisting to create a community that welcomes people of different races, ethnic groups and religions. Appendix A on page 21 is a detailed survey of religious distribution in the city of Toronto—you may have seen those figures before—which indicates the wide variety of religious groups in Toronto.

Toronto schools have done much more than issue a call for people to be nice to one another. Guidelines have been developed in every sphere of the educational program, including curriculum, hiring and promotional practices, the classroom, the gymnasium and extracurricular activities.

These guidelines are designed to help students to live within a multiracial, multicultural society and to develop into individuals with respect for themselves and for others. The tolerance that exists to such a high degree in Toronto is at least partially owing to the integration of students from varied backgrounds into the public school system.

We are very concerned that Bill 30 is a step backward. Rather than encourage this healthy integration, the bill fosters the segregation of students along religious lines. Segregation of people, especially young people, has in the 20th century become an unacceptable policy in most communities in the world. There are obvious examples around the world where religious segregation has led to bigotry and violence.

We certainly believe in religious freedom and in the right of individuals to worship according to their beliefs, but we argue that when one religious group is perceived to be granted an extension of special privileges, such action is bound to threaten the cohesion within the community. We are concerned that just the proposal to establish a fully funded separate Roman Catholic secondary school system has already begun to shatter the tolerance that has developed from a feeling of integration.

Bill 30 has been supported on the grounds of fairness in that it is seen as a fulfilment in the 20th century of the minority rights extended to Roman Catholics in 1867. Canadian society in 1867 was organized on sectarian lines. It was not uncommon for Catholics and Protestants to be intolerant of each other. Publicly funded schools were clearly viewed as either Protestant or Catholic.

Times have changed. The need to protect minority religious rights through a separate school system no longer exists. In 1985, Ontario

is a multicultural mosaic, and the public school system has room and respect in it for all faiths. We feel Bill 30 represents an attempt in 1985 to fill a need that may have existed in 1867 but exists no longer.

As teachers, we are concerned about being caught in the dilemma of having to teach students about the equality of rights and a fair and just social system and of having, at the same time, to explain why one religious group is able to receive the favour of full public funding for its complete education system while no other religious group is granted such a privilege. We are concerned about the religious intolerance that will arise from what will be perceived, and has been perceived, as a real injustice. Surely the public school system can and does meet the needs of all religious groups.

As teachers and citizens of Ontario, we are deeply concerned about the process associated with the extension of funding. First, there was an abrupt declaration of intention by the former Premier a little more than a year ago. There was no debate in the Legislature about the principle of the issue, no seeking out of public opinion about whether the funding should be given. Then a commission was set up to deal with the how of implementation.

Later an election campaign occurred, during which the three major parties tried and failed to keep the funding a nonissue. Now we have a bill before the House, supported in principle by all three parties, and we have the present Premier's (Mr. Peterson) statement that the proposed funding will be implemented in September whether or not the bill is law.

The standing committee on social development is spending long hours listening to the people of Ontario, but we are not convinced the committee members are hearing what people are saying. The committee has invited the public to speak on the principle as well as on the details of the bill, but at the same time the government has stated its intention to proceed in September whether or not the bill is passed. The government is virtually saying, "We will listen to you, but it does not matter what you say."

Both the process and the principle of Bill 30 are deeply flawed. On these grounds we recommend that the standing committee on social development not recommend Bill 30 to the Ontario Legislative Assembly.

**Ms. Templin:** Mr. Chairman, in the next section of this brief we intend to make specific comments on Bill 30. We want to make it clear that in doing so we are not thereby accepting in

any way the fundamental principle of the bill. We are simply trying to make the best of what we consider to be irredeemably bad public policy.

I will ask Vice-President Shirley Mitchell to comment on the preamble and on sections of the bill that pertain particularly to students.

**8:40 p.m.**

**Ms. Mitchell:** We are referring to the preamble of Bill 30. We do not accept the statement in the preamble to Bill 30 that the extension of funding is a just and proper action and one in accordance with the guarantees given in 1867. At that time, there were Protestant and Catholic education systems and whichever one was in the minority needed protection.

Canada has changed. In Ontario, we have a public, not a Protestant, education system. We have a Canadian Charter of Rights which outlaws religious discrimination. Policy-making undertaken now must find its backing in the values of today, not in those of more than a century ago. We must not compound problems we have inherited by introducing in 1985 policies which reflect the values and societal conditions of 1867 and before.

In section B we refer to sections 136d, 136n and 136o of the bill.

There are several situations in this bill which involve a service being performed by one board on behalf of another and a fee being charged for that service. In section 136d, a Roman Catholic board may contract with another board to provide instructional service. In sections 136n and 136o, public and Roman Catholic boards must pay fees to one another where students, for which one board is responsible, are being educated by the other board. We see a number of problems with these sections.

The first is that of access. Students and parents think carefully about the choice of a secondary school. Choices are based on program and a number of other factors which vary from family to family and from student to student. If two students have chosen the same school, one may be admitted by right and one turned away because there is no room. That is not equitable; neither students nor parents will perceive it to be equitable. Should not both systems be open to all comers, as the public secondary system always has been? Education systems have coped with accommodation problems before and can do so again.

With the right of access will have to come the resources to enable the boards to supply services. There are certain kinds of student needs which are very expensive to meet. We are thinking in

particular of the supply and updating of facilities for technical programs and the supply of trained personnel to meet the needs of exceptional students who require a very low pupil-teacher ratio.

No publicly funded education system in Ontario should be able to close its doors to any student; at the same time, however, the resources to fill the needs should accompany the student. Property taxes should follow the student to the educating board or, at least, the fees chargeable must reflect the real cost of educating that student at that time. We are concerned that fees set by regulation will not take account of local variations in cost and that a system that does not believe in closing doors may find its resources badly strained.

Subsection 136o(7) poses another serious problem in terms of legitimate student expectations from a publicly funded education system. A non-Catholic student surely should have by right an exemption from programs of religious education. The Ontario Schools, Intermediate and Senior Divisions guidelines outline compulsory and noncompulsory courses in Ontario secondary schools. Religious education is not compulsory, according to OSIS.

As the legislation stands, a student is entitled to the exemption under some conditions and not entitled to it under others. Without getting into the question of whether any board has the right to unilaterally amend OSIS by adding compulsory subjects, surely common sense and natural justice require that any non-Catholic student should be entitled, on application, to an exemption from religious education courses.

Therefore, we recommend that subsections 136o(7) to (14) be deleted and subsection 6 amended to apply to all non-Catholic students.

Perhaps one other legitimate expectation some students of 1985 may have of a publicly funded education system is the chance, at some time in the future, to be eligible for a job—and we mean not just a teaching job—in that system. As the situation stands now, all students, Catholic and non-Catholic, have an equal opportunity for a position in the public system, which cannot discriminate, but Roman Catholic students would have an edge in getting a position in the separate system, which can discriminate.

**Ms. Templin:** I would like to proceed to the measures in Bill 30 that have to do with protection of the public boards' staff in Section 136l, the designation section.

To consider the effectiveness of designation as a means of protecting positions, we need to

outline for you the complex surplus procedures in Toronto, both at the city and at the Metro level. I am afraid you are getting tired of hearing about Metro's problems but this will not take long.

The procedures start in March when the Metropolitan Toronto School Board supplies the projected enrolment figures for the coming year, and they finish in October when the final staffing adjustments based on September 30 enrolment figures are known. In the interim, the schools look at option selections, create tentative timetables, make room for teachers coming back from leave and declare surplus positions and/or vacancies. It is usually both, because teacher qualifications have to match assignments.

Although a school with 60 teachers may generate 60 teachers again for the following year based on student enrolment, the student option choices may mean the staff will not be the same 60 individuals. The surplus/vacancy lists are collated on a system-wide basis. Weeks are spent trying to make sure that teachers who want transfers get them and that teachers surplus to their schools are placed in vacancies for which they are qualified.

In June, almost the same kind of procedure occurs at the Metro level as teachers surplus to any of the six boards in Metro are matched with vacancies in any of the other boards. Both the city and Metro placements are tentative. No staffing numbers are firm until after September 30, and then it takes a few weeks for the boards to reshuffle staff depending on the accuracy of their projected figures.

What Bill 30 offers in section 1361 is the ability to designate teaching staff, to name individuals who are to be afforded certain protection. As we understand the bill, the specifics of how and when the designations are to be made are to be handled locally. There is, indeed, a need for local variation. However, the time lines involved and the changing surplus/vacancy requirements make the naming of individuals impractical.

We suggest the legislation should establish certain fundamental requirements and that local procedures be based on those requirements. First, the legislation should require the public and separate boards to agree on the number of students lost by the public board because of the extension of funding. Second, there should be a requirement that the public-board staffing formula be applied to that number of students to yield a number of teaching positions which must be made available by the separate board to teachers from the public board.

Given the time to do so, the public and separate boards can go through a mix-and-match process to implement the changeover. In Metro Toronto, this mix and match will involve eight boards, the six area public boards, the Metro public board and the Metropolitan Separate School Board.

The public board's internal staffing procedures have to be allowed to work their way through in an orderly manner and, at the same time, the separate boards need to have their staff in place for September. The legislation should allow the public boards, if necessary, to maintain the designated positions for up to one year to allow the mix and match to take place. Such positions must be maintained over and above the staffing complement generated by the collective agreement and the full cost of such protection should be paid by the provincial government.

Given that kind of legislative framework, I believe there will be time for the public and separate boards to work out a schedule for conducting the mix and match with due regard to the needs of all the boards involved.

We have another recommendation that arises from our experience with the Metro staffing process. We want to create a situation in which both the public and separate boards are able to predict their staffing requirements and are able to be flexible to adjust to their changing needs. The assignment-of-service model in use at present among the six Metro boards appears to us to fit the requirements and we have outlined it in appendix B. It is flexible and allows for movement back and forth.

### 8:50 p.m.

Since there is no change of employer, the problems associated with other areas such as sick-leave gratuity rights, seniority rights and affiliate membership are significantly reduced. The assignment-of-service model can contain an option for the board and teacher to agree on a permanent employment change. The advantages of this model are such that the standing committee on social development should consider mandating it.

Section 1361 also deals with discrimination on the grounds of creed. Subsections 1361(19) and (20) purport to prohibit discrimination on the grounds of creed in the matters of employment and promotion. We have some major concerns about the interpretation of these clauses.

Let us look at comments made to your committee by a member of the Metropolitan Separate School Board delegation earlier this summer. In speaking to this committee, Mr. H.

Kelly, the solicitor to the Metropolitan Separate School Board, is quoted in Hansard of July 22, 1985, as follows, and I am going to include in the quotation a sentence that was inadvertently omitted:

"Any employee who attempts to erode the goals and objectives of the employer does so at his or her peril. It has nothing to do with schools, government or anything. It has to do with the very nature of whether the employee can still serve the employer, not being prepared to subscribe to the minimum requirements of the objectives of the employer in the particular circumstances."

A few minutes later, in response to a question, Mr. Kelly elaborated:

"That is correct. Clearly, as far as any separate school board is concerned, and this board in particular, as long as that private credo does not influence what happens in the classroom, there will be no problems at any time. However, the moment that affects the teaching process and where a teacher is teaching those things that are expressly contrary to Catholic doctrine, there would be a problem."

It is our impression that Mr. Kelly believes, and there was no contradiction from members of this committee, that subsections 136l(19) and (20) will not interfere with a separate board's ability to discipline a teacher whose private credo affects the teaching process or who is not prepared to subscribe to the minimum requirements of the objectives of the employer.

Committee members, I hope, will understand that we are dealing here not with problems posed by teachers who are deliberately trying to subvert the separate system but rather with the problems of protecting dedicated and experienced public secondary teachers who in all sincerity find that lifestyles that have been accepted for years now are a threat to their careers.

None of us is in a position to ensure that our personal life will remain private. How will it be determined that a person's private credo has affected the teaching process? If committee members are serious about protection for designated teachers, it is clear that creed as a prohibited ground of discrimination needs to be spelled out in the bill as including not only religious beliefs but also lifestyle.

There are in this area a number of serious issues that Bill 30 does not address specifically. John Fauteux, president of the Ontario English Catholic Teachers' Association, has defined catholicity in this way:

"Catholicity is more than just 40 minutes of formal religious instruction every day. It permeates the very way we teach students, the kind of answers we consider correct and the way the teacher reacts to certain questions....It means when a class discusses technology, for example, the teacher can cite the Pope's recent comments that technology comes second behind the rights of the worker, and that will be taught as the right answer."

Does this mean that a designated teacher could be sanctioned by the Metropolitan Separate School Board for presenting a different view, even though that view is academically sound and within the ministry guidelines?

It is our understanding that designated teachers would be expected to adhere to the goals and objectives of the Metropolitan Separate School Board, and we have attached them in appendix C. They are, as you would expect, quite properly very deeply Catholic goals and objectives.

Will the Metropolitan Separate School Board interpret failure to pursue these goals as breaking conditions of employment? Can we realistically hope to protect our designated teachers if they are required to fulfil goals that have not previously been requirements of employment and that may be contrary to their personal beliefs?

Whether the teacher is a voluntary transferee or a designated conscript, in any publicly funded secondary education system there should be no discrimination based on creed. Subsections 136l(19) and 136l(20) need to be clarified and strengthened to meet these concerns.

I will ask Shirley Mitchell to comment on a problem we have faced for some time in Toronto, the problem of declining enrolment.

**Ms. Mitchell:** Over the past years, district 15 and the Toronto board have developed a number of mechanisms to handle the problem of declining enrolment. The mechanisms represent a mix of the following: improved staffing ratios; surplus and seniority provisions; board-paid retraining provisions; part-time teaching provisions; teacher-funded leave plans; paid and unpaid leaves of absence; supply teaching pools, and assignment of services.

By and large, such mechanisms have in the past enabled us to deal fairly effectively with the anticipated and predictable effects of declining enrolment. The OSIS guidelines placed additional strain on these coping mechanisms. In the situation we face now, the measures available to us to buffer the effects of declining enrolment have been stretched beyond the limit of their effectiveness.

We recommend that the legislation provide measures which will assist in minimizing the problems of teacher transfer and redundancy and help us in maintaining a teaching force that has a reasonable age and experience mix. The median age of teachers in Toronto's public secondary schools is 45 years; the average age is 43 years.

Teachers in Metro Toronto do not have an early retirement incentive plan; we need one. We also need a revision in the superannuation regulations to eliminate the pension penalties imposed on teachers who retire before reaching the 90 factor. The same regulations should be revised to facilitate the purchase of past service and related experience credits.

Measures such as these are not panaceas, but taken together they would do much to alleviate the problems of dislocation facing public secondary school teachers.

**Ms. Templin:** We repeat, there are no amendments that would make Bill 30 acceptable to us. We believe any enhancement of the separate school system is not in the best interests of education in Ontario; that it is a policy which can only fragment and divide both our young people and our resources, as Premier William Davis said some time ago.

Since we have suggested throughout this brief that we have been concerned about the lack of real opportunities for the public in Ontario to be heard on this issue, we suggest that this committee support a provincial referendum on the extension of funding to the public secondary schools operated by the Roman Catholic separate school boards, such referendum to be held in conjunction with the municipal and trustee elections in November 1985.

We also believe the committee should encourage input from all the people who will be directly affected by the implementation of Bill 30. Thus, we recommend that in September the committee notify secondary school students across Ontario that it would like to hear the comments of these young adults on the issue of the extension of funding to separate schools.

We believe the deep flaws in the substance of this bill are reflected by the deep flaws in process. The flaws in substance require a time for Ontario to debate, consider and weigh alternatives and for the courts to consider constitutionality. The process must allow time for this to happen and it must allow an opportunity for a change of mind on the extension of funding. The implementation must, therefore, be delayed and the members of the Legislative Assembly must open their minds as to whether the considerations

of public policy should not outweigh party policy.

In conclusion, on behalf of District 15, I thank the committee for the opportunity to appear before it. It may be that we will request a return. As you will understand, this brief was put together in the summer. As our members return to school, they may have concerns which we have not voiced in this brief.

In any event, whether we come back or not, we await with interest and with great concern the results of your deliberations. Thank you.

**9 p.m.**

**Mr. Callahan:** I do not want to take issue with it, but I would like to give you my perception of what took place during the recent election campaign. On page 4, you indicate it was never made an issue. "Later an election campaign occurred during which the three major parties tried and failed to keep funding a nonissue." In my riding, I attended three meetings that were representative of every aspect of the entire issue; teachers from the various boards, and clergy. In fact, one of them was run by the United Church of Canada and it was excellent.

From the person representing the Ontario Secondary School Teachers' Federation, the only thing I heard, and quite legitimately so, was the protection of jobs. I was very sympathetic to it. Post-election, your brief and some of the briefs I have heard today in that respect have enlarged on this. It is now something more than that. Was the OSSTF's pre-election position more than just a question of protection of jobs? Was it all of these concerns? If the answer is no, then I find it difficult to understand why you could fault us, or raise the point that it was a nonissue in the election.

Maybe I should allow you to answer the first one. Was it more than jobs, which is quite a legitimate concern? That is one I certainly receive with a great deal of sympathy. That is a perfectly reasonable approach to take.

**Ms. Templin:** The OSSTF's position on this issue is primarily and fundamentally, as I think you have seen in its association with the constitutional challenge, a stand on principle. The OSSTF and I think many citizens of Ontario simply do not believe in religious discrimination in education, in schools. They believe there is, and has been, a great value for Ontario in the mixture, the plurality, we have seen in our public secondary schools.

Whether it was or was not an issue, it is my perception that as the election campaign rolled on it became more and more an issue, but it is also

my perception that there was an effort, perhaps on the part of all the parties, to keep it out of the headlines, to make it a nonissue.

**Mr. Callahan:** I am not sure you have answered my question. As I said, my perception from the investigation I did and the meetings I attended was that the only issue raised was the one of protection of teachers' jobs. Was it the OSSTF's pre-election position to include all these other aspects you have just addressed?

**Ms. Templin:** I do not know what you heard at that meeting. Protection of jobs is extremely important to the OSSTF. It is important now, it was important during the election, and it was important before the election. The stand on the principle is important now, it was important during the election, and it was important before the election. The OSSTF has not suddenly dragged a concern about constitutionality into the limelight. As soon as Bill 30, the proposal, was put forward into public view, there was a concern about the constitutionality.

**Mr. Callahan:** In the event it was found to be constitutional, what would be your position?

**Ms. Templin:** My position is it is a very bad thing for education in Ontario whether or not it is constitutional. I believe discrimination on the grounds of religion is a step backwards for education in Ontario.

**Mr. Callahan:** When you say that, I get the perception that we are looking at the establishment of an entirely new position. It has been there.

**Ms. Templin:** I accept the Constitution of Canada and I accept what is there. I am not really arguing with the discriminatory provisions that are built into the Constitution. If I had the Constitution to rewrite and if Canada's history were different, I think it would be preferable to have one public system in elementary and secondary education. However, I think Ontario has benefited from the fact that although we do have separate and public elementary schools, both levels have funnelled into one public secondary system. Therefore, to a degree, there has been a mixing of students of all religions in the secondary schools.

**Mr. Callahan:** Can we move on to a different issue? At page 10 you indicate—and in the way you have put it, it seems logical—it would create a problem in the selection of courses by pupils. When is that selection required? Is there any deadline for selecting courses?

**Ms. Templin:** For students selecting their courses for the following year?

**Mr. Callahan:** Yes.

**Ms. Templin:** Usually it is done in February.

**Mr. Callahan:** Of the year before they are going to—

**Ms. Templin:** Yes, that is right.

**Mr. Callahan:** Is there any legitimate or any mandatory cutoff date?

**Ms. Templin:** Yes. Indeed, pretty complex procedures and computer deadlines are involved. Generally speaking, the schools need to know the option selections for their students by the beginning of March, I would say, because it is on those option selections they have to base their staffing for the following year.

**Mr. Callahan:** I thought it would be later than February because in some of the schools I have seen it is a type of thing where, if you do not get them by June, you do not get them until September. Is it possible to overcome that problem? I recognize that as a real problem, to require the selection of courses in advance of that date so that you get the large majority of the students' courses down and you know what your staffing requirements are. I know there will be exceptions, of people coming in, transferring to the school and so on, but is it possible to move it ahead to meet that problem?

**Ms. Templin:** It would be very difficult. There are many semestered schools and this is just one reason for the difficulty. If you moved it ahead, made the option selections earlier, then the first semester probably would not be finished and you would be asking students to choose their courses for the next year when they had not even experienced—

**Mr. Callahan:** They would assume they were going to pass, I suppose.

**Ms. Templin:** Yes, that is right.

**Mr. Callahan:** Okay. I have asked this question of other people and I am going to ask it of you as well, because I want to put you in our position.

Recognizing the pronouncement that was made in June 1984 and the fact that many children and families have made definite decisions based on that statement, I suppose also that there appears to be all-party agreement and that school boards have made changes, hired teachers and so on, what do you propose that we should do with these people who have been put in this position? I assume your position is that until the constitutionality is ruled on, we should do nothing; that would include funding as of the

opening of school. What do you propose we should do?

**Ms. Templin:** I agree it is a mess. It is going to be a mess no matter which way you go if the funding is extended. If the court subsequently rules the bill unconstitutional, you will have a far worse mess on your hands, in my opinion. If I were in your position, I would be inclined to go with a lesser mess and end it right now before it gets worse.

**Mr. Callahan:** But do we tell these people, if I can put it in the vernacular, "You are hanging out to dry"? Do we tell them that, rather than get into a bigger mess? Do we say: "Forget what we said. Forget everything that was done, we were only kidding you and you now change your whole position"? Is that fair?

**Ms. Templin:** I can see it is a political problem, but—

**Mr. Callahan:** No, no. Do you think it is a political problem or a problem of fairness?

9:10 p.m.

**Ms. Templin:** What is or is not fair is a pretty complicated question. Either it is right to extend this funding to separate schools or it is wrong. If it is wrong to extend the funding, then whether or not people expect it becomes irrelevant in the sense of their rights.

There may well be things you can do to soothe over hurt feelings and perhaps give a little bit of bridge financing so that people who have entered into financial obligations which they now will have trouble handling are helped. But I really feel that delaying the thing, stopping it now before it gets any more complicated, would be the only way to handle the situation, although I grant you it is unsatisfactory. It is unsatisfactory no matter which way you go.

**Mr. Callahan:** If the net result is that it is proved to be constitutional, you have left those people out to dry.

**Ms. Templin:** Not in my opinion. In my opinion, even if it is constitutional, it is the wrong direction for public secondary education in Ontario.

**Mr. Callahan:** Do I perceive from that that you are saying you want a single system, you want the abolition of the present, existing separate school system?

**Ms. Templin:** No. I do not challenge for one minute the constitutionally protected rights of the separate school system in Ontario. I do not challenge for one minute the rights of private schools and of Catholic secondary schools to

offer an alternative form of education. What I am saying is that public funds should not be used for religious education or for private school education except in so far as they are constitutionally protected. I do not believe funding for secondary school education is a constitutionally protected right.

**Mr. Callahan:** I gather from what you have just said that if it is found to be constitutionally correct, you accept the existence of what is there now plus the extension.

**The Acting Chairman:** Mr. Callahan, I think that carries on from what has been said.

**Mr. Callahan:** That is the way I read it.

**Ms. Templin:** Let me try once more. The only circumstance in which I could completely and without reservation accept the full funding of separate secondary schools would be a statement by the Supreme Court of Canada that the Constitution of Canada requires it, that it is their right to have that funding. If that is the decision of the court, I have no more argument.

**Mr. Callahan:** I think that is what I said.

**The Acting Chairman:** That is what the deputant has said, in any event. If you are satisfied with that, I am too.

**Mr. Davis:** I apologize for being late. I had some personal business. I am going to try to ask you a simple question.

**The Acting Chairman:** That is not true.

**Ms. Templin:** I know.

**Mr. Callahan:** He sneaks up on you like that.

**Mr. Davis:** You are aware there are two suggestions for the transfer policy. One, in Bill 30, is designated and one is the whole concept of volunteers. Another one is secondment. It does not matter which one you use.

I am going to use some hypothetical figures so you can understand where I am going to take you. There are five positions available in the separate schools for five mathematics teachers. When they advertise in your district, 15 people apply. Does your federation concur that it is the right of the separate school board to interview those individuals and select the persons it believes most compatible to its system and to the qualifications it needs, or do you believe it is your responsibility as the federation, in consultation with your board, to decide which ones actually go across of those who offer to go across?

**Ms. Templin:** I believe the system should allow, in so far as possible, for voluntary crossing over. In the situation you have de-

scribed, the 15 public school teachers presumably would apply to the separate school board, would be interviewed and the separate school board might well hire five of them. The question your situation did not outline or suggest is whether any or all of those five teachers who were hired represent five teachers fewer in terms of the separate school board's obligation to the public school board.

**Mr. Davis:** That is not really what I was asking.

**Ms. Templin:** Okay.

**Mr. Davis:** There is a definite perception that the separate school board would like to have the right to interview the teachers who volunteer, even if there were five teachers, fitted the exact mix match, the board would like the right to interview those five and then decide if it wanted to hire any or one, two, four or five.

I am asking you whether you feel, from your federation's point of view, that it has that right or whether it should take the five. Or should it be your federation which, in consultation with your members, decides which ones go across?

**Ms. Templin:** What I would like to see, if I have to see any of it, is a situation in which, in so far as is possible, the separate school board can interview and can select people who are going to the separate school board voluntarily, where it is acceptable to the separate school board and acceptable to the public board teacher who is going to that separate school board.

However, I do know the separate school board is, I hope, going to be required to make a number of positions available to public school teachers, and if there are not enough public school teachers for those positions whom the separate school board finds acceptable, then there will have to be some kind of assignment, I suppose.

**Mr. Davis:** Designation.

**Ms. Templin:** Yes.

**Mr. Davis:** Even if in that interview they interviewed lifestyle.

**Ms. Templin:** I believe there should not be any discrimination on the grounds of lifestyle at all.

**Mr. Allen:** One is tempted to get into some deep and prolonged discussion over some very pertinent—

**The Acting Chairman:** Try to resist that temptation.

**Mr. Allen:**—observations that I think you did make in the course of your brief. I congratulate you for a degree of clearheadedness that does not

always come with all our presenters. I would like to sit down with you; perhaps we could have coffee together some time and talk about some things. I do not want to get into some of the more extensive discussion over whether, in everybody's view in Ontario, the public system meets the needs of all religious groups and so on.

There were just a couple of things I wanted to communicate to you from our hearings. One, which you may have picked up already, is this great disposition to move in the direction of the definition of position rather than—it is a great leaning towards the volunteer approach. Indeed, when we have asked Catholic administrators in top supervisory positions about the question of just what precisely bothers them—there is a problem about non-Catholics and so on—we found quite a range of reaction.

You cited Mr. Kelly, but we have also encountered just about everything, I suppose you would say. If you have read the transcript, you will have found that there have even been principals here who have told us it does not matter—not that it does not matter, but that a non-Catholic could conceivably become the principal of a Catholic school and function quite effectively if he had the range of attributes that broadly made him a sensitive person, a good professional. We have had others who have told us they could not possibly imagine it. So there is quite a range out there and we are trying to sort out all those things.

Likewise, it has been very difficult for them to give a precise example, a clear, across-the-board picture of how private credo might be viewed as affecting one's teaching. That is a very subtle question, obviously, but the defences have to be in place to see that people are not victimized for one reason while another reason is given. We certainly want to address that with as much clarity as we can.

Secondment is already a working principle among the Ottawa-area boards. It appears to be a neat idea and everybody approves of it. Assignment of service may well be a thought.

Are you telling us that in the Metro area it will be necessary not to have a series of designated positions board by board, that the whole region will have to be dealt with as a whole under this bill?

**9:20 p.m.**

**Ms. Templin:** The Metro staffing procedures are extremely complex. The one thing I know about them is that you cannot make any snap judgements or superficial statements about those procedures. You have to go very slowly and

carefully because a decision taken here creates a terrible problem over there.

If you are asking me whether the number of designated positions should be a Metro number or whether each of the area boards should have its own number, I can only say that we perhaps have a parallel situation in the Metro pool which, in a sense, is at the same time a Metro pool and yet is a pool to which each of the area boards has certain rights. Something along those lines possibly could be worked out in terms of a number of designated positions.

**Mr. Allen:** In effect, you mean a two-tier arrangement in the bill for the Metro area would be appropriate, however we do that. We will have to work on that.

You went on to say something about when all of this would have to be viewed over and above and beyond the terms of reference of the collective agreement, or something to that effect. Could you expand on that for a few moments so that I know precisely the problem you are referring to?

**Ms. Templin:** You may be familiar with Bill 127.

**Mr. Allen:** Yes.

**Ms. Templin:** It is very difficult for us to work with all these provincial laws. Bill 127 binds all six Metro boards in terms of the number of staff. There are terrible sanctions if you have even half a teacher more than the particular number of staff Bill 127 allows.

If we are to have a number of designated positions, let us say in the Toronto Board of Education, and if the staffing time lines are such, as I believe they are, that we cannot really communicate with the separate school board and do a mix-and-match process, then when we are at September 30, we have 13 more people than the collective agreement allows under Bill 127. Those 13 positions are designated, but they are still employees of the Toronto board because we have not yet had the time to figure out who they are and to get them over to the separate school board.

That is what I mean by being over and above the collective agreement. The designated positions that are owed to the separate school board quite clearly have to be a number of positions in addition to the positions that are generated by the Bill 127 collective agreement.

**Mr. Allen:** That helps me considerably. Otherwise, I am clear on the propositions you put before us and I thank you for stating them clearly and strongly.

**Mr. Reycraft:** I would like to follow up on this matter of the assignment of services. A remark or an aside was made during your presentation that we might be getting tired of hearing about the problems of Metro, but I think this is the clearest presentation of how you actually go about the staffing procedures that we have received so far and I thank you for that.

On page 23 of your brief the statement is made, "Teachers may be reassigned to their sending boards up to August 31 in that year, if a position becomes available and the teacher agrees."

Keep in mind that many experienced teachers might feel more comfortable or less apprehensive about moving to the separate system if they knew that the opportunity might exist for them to return. If that encouraged more of them to apply to transfer and the jobs of younger teachers and women teachers in the public system might be better protected, what would be the difficulty in allowing that reassignment to take place more frequently, say, on the normal latest dates for resignations?

**Ms. Templin:** There is nothing sacred about that date at all; that happens to be way the Metro assignment of services works right now. It is a date that is satisfactory to the six Metro boards, but if the Metro separate school board and the other boards worked out a system involving different dates, that would be just fine. There probably has to be a point where the separate school board would know that the Toronto board is not going to pull a teacher back. At some point you have to say: "Okay, we will freeze the system. Everybody stays where he or she is for a year." When that time is is something to be worked out.

**Mr. Reycraft:** If a position in a public board becomes vacant, the hiring procedure has to occur. What harm would there be in allowing the option for reassignment of a teacher in the separate system, one who had transferred, to fill that position and in letting the separate board do the hiring?

**Ms. Templin:** That is the reason for the August 31 date. If, for example, the city of Toronto has a teacher that is surplus to it and that teacher has gone to North York on assignment of services and subsequently during the summer, as frequently happens, a vacancy occurs in the city of Toronto and it is before August 31, that teacher is brought back to the city of Toronto, and North York possibly will have to hire to fill that vacancy. That is quite acceptable.

**Mr. Reycraft:** Could that happen the following August 31 with the same teacher?

**Ms. Templin:** Sure, yes.

**Mr. Reycraft:** Thank you. I have one other question. We have heard many people express concerns about procedure in the bill with respect to creed and the matter of lifestyle being considered as criteria for hiring. I have asked other groups this question and the answer has always been very indefinite. Have you done any research? Do you have any knowledge of the numbers of teachers who have been dismissed by separate school boards, either in Metro Toronto or Ontario, on grounds of creed?

**Ms. Templin:** I know you are going to ask me about the specifics of these cases.

**Mr. Reycraft:** No, I am not. I am just interested in the frequency.

**Ms. Templin:** I am aware of two cases, I believe, in Ontario where teachers were fired by separate school boards for what I consider to be a matter of lifestyle. I believe it was for marrying outside the church. I believe that is true and that the determinations were challenged in court and the determinations were upheld in court as being quite within the rights of the separate school board with respect to the Constitution.

**Mr. Reycraft:** Do you have you a rough idea on how long ago that happened?

**Ms. Templin:** Not long ago, within 15 years.

**Mr. Davis:** Two years.

**Ms. Templin:** Two years, okay.

**Mr. Reycraft:** Is that Mr. Davis's information?

**Ms. Templin:** Yes, that is right. He has been a great help to me.

**The Acting Chairman:** Mr. Davis has a supplementary question to a previous line of your question. I am going to insert him in now.

**Mr. Davis:** I have a comment on Mr. Reycraft's supplementary. It is very difficult to get those figures. Even in the public education system, when there is a teacher who, for whatever reasons other than teaching, should perhaps be seeking employment elsewhere, he is

counselled out very graciously and tenderly and with a lot of compassion by the teachers' federations and in consultation with board people in many cases.

That happens all through the systems. Anybody who thinks it does not happen really is not living in reality. The teachers' federations, as I have dealt with them, have been very conscious and very concerned about certain aspects of the conduct of teachers and so forth.

If, on a transfer basis, North York calls back a teacher on September 30, does that teacher go back?

**Ms. Templin:** September 30?

**Mr. Davis:** Yes.

**Ms. Templin:** Not according to the present rules of assignment of service.

**Mr. Davis:** It depends on to whom you are talking. There is an overriding belief that you do not want to dislocate the youngsters. The 31st has some pretty practical reasons. To move it to the 30th or any other date, once the school year starts, would create a dislocation within the school system. So it could be the 31st or earlier.

**The Acting Chairman:** Mr. Reycraft, anything further?

**Mr. Reycraft:** I just want to make it clear that my suggestion was not that one of these would come up every month during the year. I was suggesting there should be some deadlines set down. It could happen more than just once following the transfer. It could happen that the teacher could seek reassignment the following year or maybe two years after that.

**Mr. Davis:** Could their teachers seek reassignment in the pool every year? Some of them have insisted on that since we started the pool, if I am not mistaken.

**The Acting Chairman:** Thank you, District 15, OSSTF.

The committee will now stand adjourned until Tuesday, September 3, at 10:30 a.m. in London, Ontario.

The committee adjourned at 9:31 p.m.

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- Callahan, R. V. (Brampton L)
- Davis, W. C. (Scarborough Centre PC)
- Lane, J. G. (Algoma-Manitoulin PC)
- Reville, D., Acting Chairman (Riverdale NDP)
- Reycraft, D. R. (Middlesex L)

**From the Communist Party of Canada (Ontario):**

- MacLennan, J., Ontario Organizer
- Massie, G., Ontario Leader

**From the Ontario Secondary School Teachers' Federation, District 15, Toronto:**

- Cushman, W., Executive Secretary
- Mitchell, S., Vice-President
- Templin, M., President
- O'Shea, M. I., Private Citizen







No. S-34

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Tuesday, September 10, 1985  
Morning Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, September 10, 1985

The committee met at 10:07 a.m. in room 151.

### EDUCATION AMENDMENT ACT

(continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** I apologize for being a few minutes late. The first group to come before us this morning is the Canadian Civil Liberties Association with Mr. Alan Borovoy. If you will introduce your colleague, then you can proceed at your convenience.

### CANADIAN CIVIL LIBERTIES ASSOCIATION

**Mr. Borovoy:** I have beside me the research director of the Canadian Civil Liberties Association, Erika Abner, and I am the general counsel of the organization.

I begin with one word of apology to you. It was our intention that you receive our brief well in advance of this morning. Unfortunately, the word processor did not perform as expected and we were somewhat late in turning it out. Maybe I should say the word processor did perform as expected and we were late in turning it out. I thought what I would do is speak orally to the brief and supplement it where necessary or helpful from the actual terminology.

By way of setting the framework for what I am about to say on behalf of the Canadian Civil Liberties Association, the first point is that we, like many others who have appeared here, do not dispute the adoption of any reasonable program to fulfil the constitutional obligations this province has to the Roman Catholic separate schools.

It is a more difficult question to determine the precise scope of those constitutional obligations. For present purposes, we would prefer to leave the determination of that issue to the Ontario Court of Appeal reference that is going to be heard shortly. Our remarks are addressed to the propriety and the wisdom of extending public funding to Roman Catholic separate schools beyond the level constitutionally required. That is the underlying assumption behind the ensuing remarks I shall make directed to the wisdom of going beyond what we are obliged to provide. There is no quarrel with what we are obliged to provide.

Like most lawyers, I will begin with my conclusion and attempt to spend the rest of the time justifying the conclusion I have already reached. The conclusion is that it is improper and unwise for the public of this province to grant such public funding beyond the point it is constitutionally required.

Our brief is divided into a couple of parts. The first we call the short-term impact encroachments on students and teachers. When I say "short-term," I do not mean transitional impact. I do not mean that some of these things will happen now and never happen again; I mean they are likely to happen rather soon and much of it is likely to continue so long as these funding arrangements continue.

I can think of no better way of introducing the kind of encroachments we are concerned about than the case our organization was involved in just a few months ago at the end of June 1985. The case involves a little girl in a Windsor school. Her name is Summer Pervin.

The Canadian Civil Liberties Association appeared on behalf of her and her parents before the Windsor Roman Catholic Separate School Board. We requested that the board grant an exemption from religious education to that youngster. After our debate, our discussions and the hearing, the board, I am pleased to say, decided to grant the request we made. Of course, it did so because Summer Pervin is not being raised as a Catholic. Indeed, she was in the Catholic school because her parents wished her to have French as her language of instruction. Because of her mother's language of origin, that is their constitutional entitlement.

The difficulty, however, is that there is some sense in which a religious exemption cannot be granted to this youngster and we had to acknowledge that. In fact, in my remarks before the board, I conceded it during the course of the discussion. The exemption has to be confined to formal religious classes.

However, the trustees insist—and you have heard it time and again that in the Catholic separate school system the religious philosophy is not confined to the classes—it permeates the entire atmosphere. There is no way we can hope to immunize that little girl from the religious atmosphere.

So what we have is a situation in which, so long as this family wishes its little girl to have French-language instruction—indeed, so long as it wishes to exercise its constitutional right for her to have that French-language instruction—it is forced to surrender a vital component of its religious freedom because it must subject her to a religious atmosphere of which it does not approve.

I submit to you that this is one of the regretably inevitable outgrowths of this funding program. What happened to the Pervin family is an outgrowth of the system of public funding of Catholic schools because, if such public funding was not provided, then it is very likely that the Windsor public schools would be granting the service the family was seeking.

The difficulty, however, is that, with the funding arrangements, most of the French-speaking families were sending their youngsters to the Catholic schools, with the result that this family found itself in that predicament because, for the public school board, the expense would be too great to provide it for such a small constituency.

I have already said that we do not seek to question the level of public funding to Catholic schools to the extent that it is constitutionally required. Although the Pervin family is caught by that constitutional obligation, we cannot now seek a legal remedy for it. What we can ask is that we not compound the problem and multiply such invasions of religious freedom for others by extending public support beyond the level constitutionally required.

Bill 30 contemplates a number of such situations because, in the bill, I think in subsection 136o(6) or somewhere around there, concerning religious exemption, it provides religious exemption for non-Catholics in Catholic schools by virtue of a program not otherwise available. The bill contemplates what I respectfully submit is this invasion of religious freedom for those families.

To take it a step further, the problem exists that in many communities there may be a Catholic majority and there is a risk that public secondary schools in such communities will disappear in favour of Catholic secondary schools. What are the non-Catholics to do in those communities?

If they go to the Catholic school, they will be subjected to a religious atmosphere of which their families do not approve. If they do not go there, they will presumably have to be bused elsewhere and sustain whatever inconvenience that might involve. For those families, it could

amount to a reduction of their religious freedom. This is the short-term impact and is likely to continue.

Now to the long-term impact: the effects on interreligious tolerance that may arise from the funding arrangements proposed in Bill 30. We start with the proposition that a high level of religious tolerance is a prerequisite to the enjoyment of religious freedom. People need to pursue their religious beliefs with relative impunity to the extent that they anticipate sanctions, whether legal, political, social or financial. At that point they will feel less free to pursue their religious beliefs. If, for example, a Jew, a Moslem or a Buddhist expected to be denied, or was denied, employment or housing because employers or landlords found their religious practices intolerable, they would experience at least that much less freedom in the enjoyment of their religious practices.

We cannot legislate tolerant attitudes, but we can and do attempt to legislate tolerant behaviour. That is why we have the Human Rights Code, which prohibits certain kinds of discrimination in the marketplace, but the state can also influence the development of tolerant attitudes. Some institutions encourage that development and others discourage it; so government policies towards those institutions can exert a critical influence.

The institution we are concerned about here is the public school system. It is our view it has contributed immeasurably to the level of inter-group rapport and respect that has been achieved in this province. Though it may have done more, it has done so simply by increasing and enhancing contact among youngsters of diverse backgrounds.

When they work together on a classroom project, play together in the gymnasium, eat together in the cafeteria or collaborate on the production of a play, all of this helps to develop an atmosphere of mutual respect and rapport. The public school may provide one of the most unique opportunities, if you will forgive what may be a contradiction in terms, for Protestants, Catholics, Jews, Muslims, Buddhists, Hindus, agnostics and everyone else to develop a lifelong appreciation of each other.

In our view, there are few experiences that can practically substitute for what is acquired in the schoolyard and classroom. I would venture to say there is not a person sitting here today who has been raised in the public school system who cannot look back and give some measure of importance to what was acquired there, to the

kind of relationships that have been fostered among the diverse groups attending our public schools.

There is also a wide body of social science literature that bolsters these common-sense observations. By now there is a particularly thick volume of such material. A lot of the studies were done in the analogous area of race relations, particularly on school desegregation in the United States. That provided a rather ripe opportunity for the examination of the attitudes of youngsters.

There were schools that remained segregated, schools forcibly desegregated and those voluntarily integrated. There were all kinds of studies of black and white youngsters, how they related to each other in class and the schoolyard, where they sat in the cafeteria, whom they chose as friends and what their attitudes were before and after they were involved in collaborative projects with the other race. By now there is a strong body of literature that expresses rather optimistic conclusions about the value of intergroup mixing.

For this part I cannot rely on my memory as much as I could for the other. I would like to quote some of this. It is on page 5.

In a 1982 study of classroom racial composition and children's friendships, Hallinan's research led her to the following conclusion: "In particular, the decrease in white segregation over the school year indicates that greater contact with blacks reduces white prejudice and leads to greater friendliness towards blacks."

In a 1978 study on the attitudes of children in a desegregated setting, Stephan and Rosenfield concluded, "As expected, it was found that students who increased in interethnic contact developed more positive attitudes."

A 1978 article by Hawley says, "Almost all researchers acknowledge the positive influence of such steps as desegregation at early ages."

Williams found, "Out of hundreds of tabulations, there emerges the major finding that in all the surveys in all communities and for all groups, majority and minorities, the greater the frequency of interaction, the lower the prevalence of ethnic prejudice."

It goes on and on.

To be fair, there are studies that come up with some negative and neutral conclusions, but it would be hard to find disagreement with what Schofield and Sager say in their 1983 comprehensive article reviewing the literature: "There is much evidence suggesting that co-operation can

and often does have positive effects on interpersonal and intergroup relations."

According to Amir, "co-operative factors and rewarding contact situations, especially if superordinate goals can be established, help to promote intergroup relations."

A study was done in South Africa in 1981. A group of white girls and a group of what the South Africans call "coloured" girls of comparable education and similar age were put together in co-operative contact. They interviewed the white girls before and after the contact and compared them with a control group of white girls who were not involved in such co-operation. They found that the "white girls who had been paired with coloured girls had more positive attitudes towards coloured people after the activity group program than before...." No such change in attitude occurred in the control group of white girls.

If co-operative contact at the school level has demonstrated such a capacity to promote intergroup respect and rapport in the volatile climate of the United States and in the worse setting of South Africa, we submit there is no reason to expect anything less in the comparatively tranquil context of Ontario. We suggest that, to a great extent, what we have experienced in this province, whatever progress we have had, is largely attributable to the contribution made by the public school system in bringing youngsters of various groups together at such key ages.

One writer, Amir, whom we quote, said something to the effect that bringing these people together is not sufficient, but without it, favourable changes cannot even be hoped for. He spins the traditional philosopher's remark around and says that while it may not be sufficient, it is necessary.

For the purposes of the CCLA submission this morning, we do not have to insist that such intergroup mixing at the school level is necessary. It will suffice to suggest more moderately that it is at least helpful in promoting intergroup respect and rapport. Even the strongest critics of the social science literature will be hard put to deny that.

If such intergroup mixing is helpful to intergroup tolerance and respect, so must any significant reduction of that mixing be seen as harmful. It is submitted then, to the extent that there is substantial funding of religious schools, that it is likely to be accompanied in time by a significant departure of students from the public school system and from that helpful mixing that takes place in the public school context.

10:30 a.m.

That is the aftermath of funding only the Catholic schools beyond certain points. But once this is set in place, what pressures are going to be unleashed to repeat it again and again with other groups? To the extent that the funding at issue is not obligatory but simply discretionary, I suggest the political pressure to do likewise by other religious groups is going to increase over the years.

It is no answer for the government of today to say it does not wish to do that, because when moves are made today, they have implications for tomorrow, when there may be other governments in power. There is not even a guarantee that this government is always going to behave the same way on such issues; indeed, we have had that experience already. You will not construe that as a partisan observation.

**Mr. Jackson:** That is appreciated.

**Mr. Borovoy:** But only by partisans, I am sure.

That being the case, in recognition of the fact that to whatever extent what is being given is not obligatory but discretionary, the pressures are going to increase. You have already heard from numbers of these groups; their arguments become stronger and stronger. It does not matter for these purposes whether the court says they are not constitutionally entitled to it; what matters is that they will be making an increasingly political and very strong case for it if the Catholics get anything beyond what they are constitutionally entitled to.

At what point will those requests go beyond such small groups as the Jews or the Dutch Reform Church? To what extent might we face similar demands from some of the mainstream Protestant churches—the Anglicans, the United Church, the Presbyterians—which are already operating rather expensive day school systems? At what point might they too begin to make similar requests, and what will the answer to them be?

If those groups get the help, you can imagine what that will do to the ability of the public school to play the kind of unifying role it has. If they do not get the help, that is also going to weaken the role of the public school system to play this unifying function. Either way, the controversies and the bitterness are very likely to escalate if there is perceived political favouritism to some groups and not to others, no matter what the constitutional entitlements are.

I come to the issue of equality. To a number of groups, the answer to Bill 30 is to provide the

same kind of support to a wide variety of other religious groups. In our view, that kind of approach would likely backfire because, if for no other reason, it is simply not possible or it is highly unlikely—I am trying to be a moderate—that every religious group will be able to benefit from it. Some will be too small to enjoy it; at some point there will be some groups which of necessity will have to be the odd guys out because their numbers will be prohibitively small for the purpose of receiving any kind of support for a religious school of this kind. They are going to see themselves, and likely will be perceived by others, as the odd guys out in our society. Therefore, the kind of equality to which we aspire is likely not possible in any event.

In our view, to have greater equality, we should move not in the direction of increasing public support for religious education, but rather in the direction of decreasing it. For example, since 1934 we have had a program of essentially Protestant Christian instruction in our public schools. This would raise relatively little difficulty, or less difficulty, if it were designed simply to promote knowledge about various religious ideologies. However, this program appears designed to promote a belief in a particular ideology. That, we suggest, is not a proper role for the public schools.

In fact, we recently uncovered one school board which, in the curriculum, instructs teachers to tell youngsters that only through the blood of Jesus can sin be avoided. Regrettably, that is not unique. We have found similar attempts at religious indoctrination in other curricula. To the extent that Protestant or even Christian interpretations of scripture are taught as the official truth, non-Protestants and non-Christians are necessarily relegated to a secondary position. It is hardly an exercise in religious equality.

Even the right of exemption, which is fully recognized in public schools where parents can withdraw their youngsters, is hardly an answer when you say to parents that they have a choice. They may subject their youngsters either to religious indoctrination of which they do not approve, or to what is often the embarrassing conspicuousness of religious withdrawal from the classroom. In our view, the way to proceed for greater equality is to reduce public involvement in this kind of religious instruction, not to expand it.

The final point is addressed to the government's position and response to all this. What arguments or evidence does it have to answer the claim that intergroup mixing in the public

schools is so helpful to the state of intergroup tolerance? What is its answer to that? What arguments or evidence does the government have that this role can be no less effectively played by the public and Catholic school boards after a significant number of youngsters leave the public school system? What programs and measures are being planned, addressed to the needs of intergroup tolerance if that happens? Indeed, what programs and measures can they adopt that could possibly replace the priceless day-to-day contact that occurs in the public school system now? As yet, the public record is remarkably devoid of satisfactory answers to these questions.

The government's response essentially has been to invoke the claim for equity between the Catholic and public school systems. Even assuming some validity in that claim, it is hardly enough to outweigh in importance or to justify the consequent risks to such central values in our society as religious freedom, religious tolerance and religious equality. While there may be a continuing constitutional obligation to provide some level of support to the Catholic school system, the interests of equity hardly require going beyond that.

In our view, the interests of genuine equity call for stopping at the constitutional obligation. As usual, all this is respectfully submitted on behalf of the Canadian Civil Liberties Association.

10:40 a.m.

**The Vice-Chairman:** We respectfully accept your advice most often, too.

**Mr. Reville:** I always enjoy listening to you, Mr. Borovoy, and quite often I understand you. However, I suspect this morning I must be obtuse, because the burden of your argument seems a little bit circular to me. I wonder if you could help me.

It seems to me your thesis is that the more mixing we have, the more tolerant we will all be. You speak of the schoolyard as a great leveller. Although it is not in the material before us, you pointed out in your oral comments that what you would describe as a Protestant Christian line is peddled in the public school system. You went on to say there was also an atmosphere of some kind in the public school system.

You cautioned us to think about our own experience if we had gone to a public school system and what measure of importance we would attach to experiences we had there. If you had gone to a public school, as I did, I am sure you would have experienced the same feelings as me. I was conscious of vast intolerance in the curriculum towards those who were not Protes-

stants. I recall my Jewish friends going through the Christian prayers with some embarrassment or perhaps not participating at all.

Are you suggesting in the last part of your brief that something more has to be done in the public school system as well?

**Mr. Borovoy:** Yes. I think perhaps the alleged circularity of my argument, or whatever it is you may be perceiving, may be resolved by remembering that few people will say that mixing is sufficient to produce the requisite atmosphere. The argument is that it may be necessary. I have said it could be at least helpful. That kind of mixing is a helpful ingredient, but simply putting people together is not good enough. We should do a lot more than put them together.

**Mr. Reville:** As an expert in civil liberties, perhaps you could advise us which item in this list I am about to recite you see as the greatest problem in Canada. Would it be religious intolerance, racial intolerance, cultural intolerance or, dare I say it, class intolerance?

**Mr. Borovoy:** I do not know if it is an either/or proposition. As I sit here today, I would be hard put to draw up a list of priorities to govern the whole country. I am sure various of these factors are influential in various settings much of the time. Of course, I know where you were going.

**Mr. Reville:** I know I could not trick you.

You have a national perspective, and you have worked in provinces where several generic separate systems are funded by the government. Does your work indicate that there is more intolerance of any kind in those provinces where money goes not only to the separate Roman Catholic system and the public system but also the Seventh-Day Adventist system, the Jewish system and so on?

**Mr. Borovoy:** In all fairness, I am a little reluctant to express a kind of expert opinion, based on the sorts of observations and experiences I have had when I have not subjected it to a more systematic kind of investigation. I suspect there is the kind of relationship between mixing and nonmixing to the level of intergroup acceptance for all the reasons I have given. Others have done more systematic studies, and we have indicated to you some of the results.

If there are people who think there is a response to these problems consistent with the kind of separation we are talking about, the onus should be on them to come up with the evidence to do the studies, the surveys and the investigations, to offset the impact of what both our

common sense and the social science literature already tell us.

**The Vice-Chairman:** Before I go on to the next question, I am going to bounce something off the committee. If you look at the schedule this morning, we do have a lot of major groups, including the one in front of us now. If the groups making presentations take up most of their time with their presentations, I am going to try to limit the questions. I hope there will be no objections to that from the committee members.

In that spirit, I am going to call on Mr. Offer and, if there is a question from the members of the Conservative Party, we will go on to that. Then I would like to move on to the next group. Not seeing any objection to that procedure, that is what I will follow.

**Mr. Offer:** Mr. Borovoy, I would like to thank you for your brief. It provided some useful and necessary information about the elements involving social interaction within our society. This committee has been involved in that in so many ways, when we look at student access and the non-Catholic teacher in the separate system.

I would like to make two comments. First, you indicated at the outset that you do not dispute, as you perceive them, the limits of the constitutional obligations for funding for the separate school system; yet you use the Pervin case immediately thereafter, which was an elementary school case, for which you have no dispute. I wonder how one can use an argument in a system one does not dispute.

**Mr. Borovoy:** Mr. Offer, I acknowledged at the time that, to the extent the Pervin case is caught by the constitutional obligation, we cannot now claim a legal remedy but the case dramatizes the nature of the problem. We should do at least what we can do and not multiply those situations throughout the province and throughout the school system.

**Mr. Offer:** Having said that, I am going to make one further comment and then ask you a question based on that line. You have cited certain studies dealing with necessary co-operation within society. I do not want you to take it that I am opposed to co-operation, having been brought up in the public school system, but I do ask whether you feel these cases are valid in so far as the study groups are composed of parties who, at the time the studies were made, were viewed as being outside the social fabric.

10:50 a.m.

For instance, when you used the black and white student groups in South Africa, I question

whether those particular control groups are proper. The perception for many in South Africa is that the black is somewhat outside the social fabric. I am wondering whether that is a proper control group when comparing it to the implementation of Bill 30.

**Mr. Borovoy:** I would submit very much so. We lawyers have an expression; we say "a fortiori." Forgive me, I did not mean to show off.

**Mrs. Marland:** Maybe you can tell the rest of us what you said.

**Mr. Offer:** With stronger reason?

**Mr. Borovoy:** I will have difficulty doing that.

**Mr. Offer:** With stronger reason, possibly?

**Mr. Borovoy:** Yes.

If it is true, if the intergroup co-operation could make the kind of improvement it did in a situation as rife and hostile as that is, then I submit there is all the more reason to expect that intergroup co-operation will be helpful in a situation that is not as conflict-ridden.

**Mr. Offer:** Hearing that, I would like to state that I think we could discuss this for many hours.

**Mr. Borovoy:** I invite you to do that.

**Mr. Offer:** As opposed to your a fortiori argument, I think it might be more of a de minimis type of argument, in that when one uses an extreme example the result of an extreme example may not be as relevant to control groups where the groups are not outside the social fabric.

**Mr. Borovoy:** If intergroup mixing in a relatively hostile climate has produced favourable responses, what factor could possibly be there to suggest it would not do so in a less hostile climate?

**Mr. Offer:** Just as a final point, I would think the basis of the assumption is that there is in the South African study a lack of co-operation. That is the immediate and basic assumption; whereas I do not know, when looking at Bill 30, that we can start from the assumption that there is lack of co-operation and lack of intergroup thought throughout the social fabric of our society.

**Mr. Borovoy:** Of course we do not have the kind of hostility they do there, for which we are all grateful. All I am suggesting to you is that if intergroup mixing is helpful there, why should it not be helpful in a much less hostile climate.

**Mr. Offer:** I will leave that. I have one question. On page 2 you talk about the smaller school in so many words. I was wondering if I could get your comment. From the representations we have been hearing throughout the

province, the small school is now facing a natural declining enrolment which in some areas seriously is impacting on its program.

I have a question with respect to a sharing of programs and facilities between the public and separate schools. Some of the programs which are in jeopardy in the rural schools may now, because of the implementation of this bill, be preserved because of the separate system sharing programming facilities with the public system.

**Mr. Borovoy:** I am not sure I quite follow what question you are putting to me.

**Mr. Offer:** In certain areas there are too few students in the public system to maintain a viable program, whereas in a coterminous separate system there are enough students. Through the bill there can now be sharing procedures, so that the implementation of this bill may allow the preservation of some public school courses.

**Mr. Borovoy:** I would suggest to you quite the contrary. You are much more likely to face the disappearance of some public high schools with this than you would if this were not to go into effect. In those situations you must depend on whatever shared arrangements they work out. You are also much more likely to have non-Catholic youngsters attending Catholic schools and being subjected to the religious philosophy which permeates the entire atmosphere, according to them. I suggest the result of this bill from that standpoint is likely to be worse rather than better.

**Mr. Offer:** Thank you.

**The Vice-Chairman:** Are there any questions from the Conservative members of the committee?

**Mr. Jackson:** I do not think we want to get in the debate at this point. We will proceed with listening.

**The Vice-Chairman:** Thank you very much. I might say as a Windsor member—and I have read widely your interventions in Windsor—I hope one very major positive step will be made as a result of your intervention and that perhaps finally the board of education will decide to get into French immersion at the elementary level. Thank you very much.

The next presentation to the committee this morning is from the Peel Board of Education. This is exhibit 590. Mrs. McKee, welcome to the committee. Perhaps you would introduce your colleagues. I am not sure whether you were here when I tried to outline some guidelines. I hope we will have the opportunity to ask questions

because I find presentations are useful, but the question and answer period is just as useful.

**Mrs. McKee:** We were here and we did hear the guidelines.

**The Vice-Chairman:** Okay.

#### PEEL BOARD OF EDUCATION

**Mrs. McKee:** First, I am going to introduce Bill Kent, who is the past chairman of the Peel Board of Education; Mr. Chalmers, the associate director on the Peel board; and Mike Roy, the associate director of business.

**11 a.m.**

We are very pleased to be here today to be able to present to you the brief on behalf of the Peel board. We understand we have been allocated half an hour to present our brief. We hope to do this and allow time for questions.

It is the position of the Peel Board of Education that the extension of funding to the Roman Catholic separate school system for secondary school purposes is unconstitutional and is inconsistent with the Constitution of Canada, including the Canadian Charter of Rights and Freedoms. In this regard, the Peel Board of Education has applied for permission to make oral presentations to the hearing of the reference to the Ontario Court of Appeal.

It should, therefore, be clearly understood that the submission before you from the Peel board and the verbal presentation we are making here this morning to the social development committee are both on a without prejudice basis to the position of the Peel board that Bill 30 is unconstitutional.

The Peel board would also like to express its concerns about the process used by the government of Ontario to introduce public funding to Roman Catholic secondary schools. The absence of legal authority, the lack of debate in the Legislature and the lack of authority for any public input prior to a decision all appear contrary to normal democratic principles and procedures. Why have we moved to a system of government that decides now and discusses later? It is the position of the Peel board there should be no extension of funding until the constitutionality of this matter is determined.

The region of Peel is a unique region. Its population is predicted to increase from 500,000 to 900,000 by the year 2000. We encompass the cities of Mississauga, Brampton and the town of Caledon. We are the largest board in the province with a student enrolment in excess of 80,000. We are not confronted with rapid student decline. In

fact, our enrolments are stable and will probably increase in the next 20 years.

In spite of these positive features the Peel Board of Education states unequivocally that the extension of funding to the Roman Catholic secondary schools will have a negative impact on the students and taxpayers in the region of Peel.

Because of time constraints, we are not going through our brief point by point. Our concerns are outlined. They include our concerns about the powers of the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, the reduced options that will be a necessary result and the discrimination with respect to both teachers and students. We will be prepared to answer questions on any of those submissions.

We would, however, like to emphasize our major concern, that of funding. The opinion of the Peel board is that to implement funding for Roman Catholic school boards on a unilateral basis is irresponsible and will prejudice Mr. Ian Macdonald's report on educational finance.

The Peel board agrees that educational funding needs reform. At the same time, the taxpaying public needs assurance that the dollars spent by the Ministry of Education and the province are efficiently used, providing the young people of Ontario with the most appropriate and finest educational experience.

In our view, the announced public funding of Roman Catholic schools systems is a duplication of existing service at a very high cost that will not maintain the confidence of the Ontario taxpayers. This will further erode the ability of school boards to economize through size and numbers in purchasing supplies and services, special program offerings, locations, numbers of facilities, transportation and allocation of resource personnel.

Given that funds are already in short supply to meet the increasing demands placed on us by Bill 82 and the Ontario Schools, Intermediate and Senior Divisions guidelines, it is the opinion of the Peel Board of Education that anticipated additional costs required to implement a Roman Catholic secondary school system should not be taken from the financial support for public schools but recognized as additional funding requirements. In addition, any public school board incurring direct costs associated with sudden student enrolment declines should be fully compensated dollar for dollar by the Ministry of Education.

The proposed draft legislation, Bill 30, leaves several questions unanswered which must be

clearly addressed prior to implementation. Will all taxpayers have a choice of property tax designation? Are all Roman Catholic students recognized for fees where tax support has been changed? Who is responsible for the committed long-term debt repayment at existing school facilities? Will realistic per pupil costs be recognized for grant purposes resulting from ageing staff, staff redundancy, transportation and residual operating costs?

The Peel board has completed a financial analysis of the direct and immediate effect of implementing Bill 30 in its region. We have assumed a current Catholic population of 4,500 students, gradually reducing as grade levels change to a constant 600 pupils. Costs in the four-year analysis are in 1985 dollars and are used for illustrative purposes. The analysis is as follows.

In the first year we would expect to lose no students. The lost revenue on tax change because of assessment would be \$17,861,000, we would lose \$2,765,000 in grants, we would pick up \$19,767,000 in nonresident fees; the net shortfall would be \$860,000. That equates to \$4.08 on the mill rate in taxes; or to make up that shortfall, a reduction in programs. When you take this to the fourth year, the shortfall increases to \$11 million. That equates to \$52 per taxpayer.

Just to maintain the present system, with no additions, the Peel board would be faced with a tax increase of \$52.54 or an \$11-million cut in its budget. I might add that would continue in every year after.

In this time of tight monetary conditions, taxpayers should not be asked to absorb additional costs of this magnitude for an educational program that will not be improved. If the Peel board were to absorb these financial losses with no increase to the local taxpayers a number of realities will have to be considered.

The projected impact of separate school funding on student enrolments over the next four years represents an average loss of 150 students per school across the 22 schools in Peel. Given that the average enrolment of these schools is 1,360, a reduction to 1,210 would not create the opportunity for a systematic reduction in buildings or programs. Indeed, the region of Peel continues to grow at a rapid rate and new public secondary school construction will continue to be required.

All new initiatives would have to be cancelled. For example, recent initiatives such as the Cawthra Park school for the performing arts, the rapid expansion of special education programs,

the computerization programs we have introduced and some of the regional specialty programs could not have been started.

To achieve a cost reduction of \$11 million over the next four years would necessitate major surgery at the heart of the budget. Since reduced staffing and per pupil costs resulting from student decline have already been calculated prior to this reduction, only areas of major expenditure offer possibilities for reduction of this magnitude.

For example, to reduce our budget by \$11 million, we would have to cut our transportation budget in half. That would mean increasing walking distances dramatically and eliminating busing for our French immersion and regional specialty programs. We would also have to cut program staff in half by eliminating 50 positions; and we might have to cut the special education department in half by eliminating up to 100 positions, mostly teachers' aides. On the business side of the ledger, only wholesale attacks on personnel such as caretakers could possibly achieve the millions of dollars required to be cut.

It would take all these to save \$11 million. Such drastic measures as these, however intolerable, would be essential without increased financial aid.

#### 11:10 a.m.

Former Premier Davis stated in his announcement of June 12 that it would not be the expectation to expend large sums of money on new school facilities; rather, the commission would ensure the abundant existing capital stock is effectively employed to provide a full range of programs.

Surely neither Mr. Davis nor the commission could consider Peel region having abundant existing capital stock, not with 103 portables in our schools at this time and many more to come. We have one secondary school this year that will have 20 portables. In addition, the population of Peel is projected to climb from 500,000 today to 900,000 during the next 20 years. Page 7 and 8 in our brief speak to this concern most specifically.

We remain extremely concerned that any approvals for separate secondary school accommodation not be at the expense of the public board of education need for new accommodation.

We are asking that the government of Ontario give an assurance to the Peel Board of Education that any changes in the education system will not be at the expense of the public school system. The public school system is the only one to provide a quality education for all students regardless of race, religion, ability or disability.

I hope our brief will be of some use to the committee. I hope we have left sufficient time for questioning.

**Mrs. Marland:** At the outset, without any bias, I would like to commend the Peel Board of Education for its brief and in particular for the succinctness of its presentation this morning.

Those figures impress us as being pretty dramatic. Mrs. McKee, you mention the number of things that could be eliminated to save \$11 million. Can you tell us, to make the picture clearer, what the Peel Board's current budget is? I know it will be in the brief, but to put it in context following your presentation, can you tell us what the budget figure is and approximately what percentage of the budget that \$11 million would be?

**Mrs. McKee:** The budget of the Peel board is \$325 million this year.

**Mrs. Marland:** I know Mr. Chalmers is the associate director of education and you previously were superintendent of special education programs for the region of Peel. Can either of you tell this committee whether you have been happy in the past with the amount of funding you have had in the region of Peel for special education programs; or do you see a continuing need for more special education programs, especially in the light of Bill 82, which guarantees education to every student in the province?

**Mr. Chalmers:** In response to that, the Peel Board of Education has followed provincial direction and expectations and implemented the provisions of Bill 82 as fully as possible. It has gone well beyond the level of provincial funding for the implementation of special education.

The revenue reductions that have been cited in Mrs. McKee's presentation would include a reduction of something in the order of \$500,000 in special education grants. This could only result in the elimination of certain special education programs or an increase in the burden to local taxpayers, who are already carrying a large local load for the funding of Bill 82.

**Mrs. Marland:** Would your board be put in a position where it was saying to parents of children requiring special education that it simply could not offer the basic survival programs they needed?

**Mr. Chalmers:** That would create a problem, because Bill 82 asks all school boards to provide an appropriate educational program and placement by September 1985. That expectation was there and the financial means by which that expectation was met were in conflict. It would

make it extremely difficult not only in terms of meeting the provincial expectation but also, more important, in terms of meeting the expectation of local ratepayers and the educational needs of those students in the school system.

**Mrs. Marland:** On the first page of your brief, where in the overview you list some of the impacts, the fifth item is, "Roman Catholic secondary schools will not be able to offer students a full range of educational programs." Since that is a statement by your board, I wonder if you can elaborate on it for us.

**Mr. Chalmers:** The brief before you indicates very clearly the concerns the Peel Board of Education has about the continuation of the high quality and range of educational programs we are currently able to offer.

The point this statement is making, which sometimes is lost sight of, is that many students in this province, including students within the region of Peel, currently have available to them a wide range of programs and services. With the proposed legislation, if it is implemented, and with the continued direction of the government, they will not be able to find those programs right away, or perhaps for some time or ever, in the Roman Catholic separate school system.

Let me cite some examples. Vocational education is currently offered through the Peel Board of Education. The Catholic system does not offer that. That is also true of technical education and of many business education programs. One thing that has become a reality over the past number of years in education, because of public demand and because of a change in the understanding of student interests and aptitudes, is that there has been diversification.

Programs have been implemented to meet those needs in training people as dental assistants or in specialized trades and technical areas. Recently, a program was put in place in the area of the performing arts, which has been very highly subscribed to. Those are opportunities that, in compliance with the proposed legislation, may very well not be available in future to the children of Roman Catholic separate school ratepayers.

**Mrs. Marland:** Would it be fair to say the programs the public system has been providing, which by their very nature require equipment and special rooms—that is, technical programs within the regular schools, not in the purely vocational schools—may well have been programs, at least in Peel if not in the province, that provide life

skills education for the students who cannot cope with a purely academic program?

If a school board offers only a purely academic program, it almost becomes an elitist form of education and does not cope with people who do not have that kind of ability. Yet their other skills cannot be nurtured and developed in order for them to survive in any kind of a job.

**Mr. Chalmers:** We would not argue against an academic program, but an academic stream alone does limit the range of student options.

**Mrs. Marland:** This will be my final question, since I do not want to dominate the discussion.

When you talk about the Peel board—and some of your statements are general to the public system, which is the only system that does provide for everyone in terms of ability—is there anything further you could elaborate on in regard to what is going to happen to those students—even bright children, not only children who have limited ability?

Can you see down the road in terms of the problem of funding? Unless you are going to get unlimited funding from the province, which in the past you had difficulty getting, can you elaborate on any other areas in which you see that the student is going to be seriously affected? We all have an understanding of the problems with staffing, but when it comes down to the bottom line, education is for the student.

**11:20 a.m.**

**Mr. Chalmers:** We do not know where opportunities will be curtailed in a specific sense. The proposed legislation is silent on the responsibilities for Roman Catholic separate school boards and on determining when a Roman Catholic separate school board will fulfil the requirements of a secondary school board of education; so it is impossible to determine whether Roman Catholic separate school boards will offer a complete range.

Beyond that, the powers afforded to the planning and implementation commission to recommend to the minister approvals for the implementation of programs are silent with respect to the educational and financial criteria the commission is using to measure these plans.

To answer your question, the legislation does not respond to that question. In fact, we would ask this committee what the answer is.

**Mrs. Marland:** Would you go as far as to say the education of any student in the province, of any faith or denomination, might well be

adversely affected by the implementation of Bill 30?

**Mr. Chalmers:** Yes, and I would go further and say the only purpose that education legislation should have in this province is to expand and guarantee a full range of educational opportunities for all students in Ontario.

**Mrs. Marland:** I know Mr. Kent would like to speak. Are you currently president of the Association of Large School Boards in Ontario?

**Mr. Kent:** No, I am the past president.

If I may add to what Mrs. McKee and Mr. Chalmers have said, it should first of all be borne in mind that at present the public system of education cannot do as many things for our young people as we need to do because of the very severe restrictions on funding that have been put in place during the past five years in particular.

The difficulty we have as trustees is to explain the juxtaposition of the implementation of Bill 82 by this Legislature and the granting of \$75 million to do the entire job for the entire province—it has been very clearly demonstrated that this was inadequate—with the fact that the same Legislature can come up with \$80 million to implement one year of funding Roman Catholic secondary schools.

If you raise the question of what is lacking right now for individual children in Peel—and I am sure it is not just in Peel; it is across the province—I can give you a very vivid example that we have dealt with very recently. It is in your own electoral area, in fact, Mrs. Marland. We cannot give a physically handicapped child access to her local high school because we cannot afford to put an elevator in a building that is an old one. Because of that, we cannot give her proper access to the kind of academic programs she needs. How can I put that up against the very easy way, it would appear, that millions of dollars can be found for this purpose?

Without becoming too melodramatic, I want to return to Mrs. McKee's last comment, in which she said she wants assurances on behalf of the board that the extension of funding, if there is to be legislation—and, as you know, our position as a board is that there should not be—should not be at the expense of the public education system. That must not be just a preamble to your report and it must not be statements on the floor of the Legislature; it must be enshrined in legislation. What we find incomprehensible as public trustees is that we seem to be on trial. Public education seems to be on the defensive. Why do we have to be? Why are there all kinds of

provisions in the proposed legislation that spell out the rights and privileges of the other system?

The Peel board sees nothing in the legislation, as proposed, that will guarantee we will be protected, dollar for dollar, not on the basis of how many students transfer because that has nothing to do with it, and not on the basis of how many teachers we may or may not lose because that has nothing to do with it, but because of many other factors.

We have communities in our area where an increasing proportion of the population has no children in either system. If they change their assessment, we lose a great deal of money without losing any children, without having any impact on staffing. I would hope the committee would pay some attention to that concern and consider including in the legislation specific protection for public education, not as a slogan and not to make everyone feel good but as a real measure of protection. Without that, I think public education will continue to be on the defensive and will always have to fight a rearguard action.

I find, quite frankly, an incredible situation in a society where I think, first and foremost, public education is at the heart of a democratic society. I would hope the committee would take the point Mrs. McKee and the Peel board have made. Do not get diverted by specific issues. They are important and very legitimate, and especially legitimate for some specific groups; I do not deny that at all. They should not be forgotten, but as public boards we must be allowed to continue our mission to be a system of public education. Without that dollar-for-dollar guarantee, we cannot do the job for you.

**Mr. Offer:** I would like to congratulate you on the brief and its presentation. It is extremely deep. I know from my experience with the board everyone is, first and foremost, concerned with the education of the child. Mr. Chalmers, it was not long ago we were discussing my own child with respect to that. I am personally aware of the dedication and devotion to public education you have.

I would like to pose this one question. From your studies, can you give us some idea if there has been any impact on the board with respect to the September enrolment?

**Mrs. McKee:** For this year?

**Mr. Offer:** Yes.

**Mrs. McKee:** No. Our data are not complete yet.

**Mr. Offer:** I am somewhat picking up from Mrs. Marland's question with respect to the

Roman Catholic system not providing vocational and technical study. Could you give us some sense as to the co-operation you have with the separate board in Peel?

**Mrs. McKee:** I guess I would have to say the co-operation has been good to a point. There is no co-operation in the area of busing and no co-operation in the area of providing facilities. The separate school board has not wanted to share in that regard. We will be sharing a program of vocational schools with the separate school board for the foreseeable future.

**Mr. Offer:** If I may carry on; when I am talking about co-operation, is there any formal group that discusses or acts as a liaison between the public and separate board in Peel?

**Mrs. McKee:** Mr. Chalmers can answer for the administration because they do meet.

**11:30 a.m.**

**Mr. Chalmers:** At an administrative level personnel from both boards meet on a needs basis; and deal with mutual problems very effectively, I believe.

**Mrs. McKee:** At the political level it has been on an informal basis as well. There is no structured committee at this time. The chairmen of the Dufferin-Peel Roman Catholic Separate School Board, the Dufferin County Board of Education and the Peel Board of Education have met on several occasions to discuss some of the problems.

**Mr. Offer:** You are talking about the local problems, the local concerns? From what you and Mr. Chalmers are saying, you meet to solve these local concerns as the need arises?

**Mrs. McKee:** That is correct.

**Mr. Offer:** It was indicated that the Roman Catholic system in Peel is not going to be able to provide vocational training; yet I thought I overheard you say there might be some sharing of facilities.

**Mrs. McKee:** I guess I used the wrong word. The Roman Catholic students will continue to be enrolled in our secondary vocational schools for the foreseeable future.

**Mr. Offer:** Notwithstanding the fact that your enrolment is, at the very least, maintaining itself, have you discussed with the separate system in Peel the sharing of technical programs; or have you any space?

**Mrs. McKee:** We have no space in our technical programs at this time; we have no space to share. We have portables on most of our

schools and the separate school board is in exactly the same state in the region of Peel.

**Mr. Offer:** Is this one of the reasons sharing is difficult?

**Mrs. McKee:** It is hard to discuss sharing when people are suggesting that we separate. The two things just do not go together.

**Mr. Offer:** You have indicated there is some sort of an ongoing local solution to local concerns among the Peel boards and I want to delve into the co-operative aspect. When boards sit down and discuss their local concerns that in itself is co-operation. It does not mean, of course, there is a solution, but it is co-operation. I want to get some sense of that.

**Mrs. McKee:** There has been a great willingness to talk to each other, but in my view that is not co-operation.

**Mr. Offer:** That is each to the other?

**Mrs. McKee:** Yes. Mr. Chalmers could speak to the technical programs and the possibility in that area.

**Mr. Chalmers:** With respect to the co-operation, I would not want to leave anyone with the impression the relationship between the Peel board and the Dufferin-Peel board at an administrative level, or indeed at the political level, is strained. I think co-operation is there.

With respect to the business of sharing, the proposed legislation itself talks about student enrolment, student registration, where accommodation is available. We are required now to provide programs and provide accommodation. We have no accommodation.

Right now students at the secondary school level who come from the public school system and the Dufferin-Peel Roman Catholic separate school system have equal access to certain programs. In future, according to the proposed legislation, access will be on the basis of accommodation being available, not on educational need or student aptitude.

Will there be accommodation available? There is none right now. Will there be so in future for some of these students after the needs of the public board of education students have been addressed? I cannot respond to that. It will be many, many years, according to our forecasts, before there will be any vacant space in our secondary schools. Right now our secondary schools are filled to 107 per cent of the Ontario Ministry of Education loading capacity for secondary schools.

**Mr. Offer:** Thank you. I have just one final thing. As my daughter just enrolled, it is now 80,001 in the Peel board.

**Mr. Kent:** May I just add very briefly to Mr. Chalmers' comment? You have raised a very good example of the kind of difficulties you get into when there are two publicly funded secondary school systems. In the foreseeable future we will not have excess space in our secondary schools; yet the pressure, including the pressure on you as an elected representative, to create new facilities for those who wish to be in the separate secondary system and receive vocational training will become extremely strong. Even if tomorrow 1,000 or whatever number transferred, that would not have any significant impact at all on our space.

I do not want that to be mistaken. We might actually welcome it because we could remove some of our portables at that point. But the pressure for the duplication of facilities in a region such as Peel is going to be immense. I would hazard to suggest that you are not going to be able to withstand that pressure, and that is where the duplication is going to come in.

**Mr. Davis:** I do not care who takes a crack at this. As I understand your situation, you have a number of portables. If there were no separate school funding, even though you would have to incorporate more portables perhaps, there would be space for next year's grade 8 classes that would move across within your own system and for those grade 7 and 8 students who would come into your grade 9. Is that correct?

**Mr. Kent:** We accommodate all those who want to come.

**Mr. Davis:** The answer is that there would be space for them.

**Mr. Kent:** That is correct.

**Mr. Davis:** Not only would there be space for them, but you would still be able to provide programs for them, although they might be limited.

**Mr. Kent:** Of course, as you know, grades 9 and 10 have been an integral part of both systems for years.

**Mr. Davis:** What you are saying, in effect, is, as Mr. Offer was saying, where you share buildings with two coterminous boards, that is not only not a practicality in Peel but it is also not a practicality in some of the other areas in Ontario where there are growth patterns. Where there are not growth patterns, it is not only a practicality but it must become a necessity. You are unique in that you are in a growth situation.

Do you want to look at Metro Toronto? Do you want to look at areas like Scarborough, North

York and Etobicoke, where there are all kinds of facilities because of declining enrolment?

There is just one other question I would ask. Have the Ontario Schools, Intermediate and Senior Divisions guidelines impacted upon your technical programs?

**Mr. Chalmers:** I believe so, but I will qualify that by saying it is too early to tell whether the trend with respect to technical education will be sustained or altered. I do not think anyone can say categorically whether OSIS will have a long-term impact on technical education.

**Mr. Davis:** Have you seen a decline in your technical programs during the last year?

**Mr. Chalmers:** Yes, there has been.

**Mr. Allen:** I have just a quick question to clarify a couple of small points. I want to thank the board for its brief.

I note on page 2 of your yellow appendix you say 13 per cent of the Peel secondary school enrolment is Roman Catholic. Then you go on to say you ultimately expect a decline of 4,500 students as a result of extended funding. The 4,500 are the 13 per cent, are they?

**Mrs. McKee:** Yes.

**Mr. Allen:** In other words, all your financial calculations are based on 100 per cent transfer expectations.

**Mrs. McKee:** Yes.

11:40 a.m.

**Mr. Allen:** Secondly, and admittedly I am just scanning quickly here so I may have missed something, you note on page 5 of your brief that you will have a net loss of \$2,765,936 in legislative grants. Yet the same page in your appendix notes that, on the one hand, an enrolment loss of 4,500 students will cost you some \$16,757,000, while on the other hand, down in the next section on that page, you note that the same number of students is going to be compensated for by the Roman Catholic board, if they pay current fee levels, by \$19,767,000, leaving you a balance of slightly over \$3 million.

Can you explain to me why you have a net general grants legislative drop of \$2 million, while on the other hand, in your appendix—using the same data, I gather—you show a \$3-million increase?

**Mrs. McKee:** Mr. Roy, can you follow that?

**Mr. Roy:** I think I have got to the end of it. Page 5 in the submission shows the net general legislative grants reduction at \$2.7 million. You are okay there. You then went to page 4 or page 5?

**Mr. Allen:** Page 2.

**Mr. Roy:** Page 2, I am sorry.

**Mr. Allen:** That is appendix III.

**Mr. Roy:** Identified in the top paragraph is the rent reduction or a grant loss for those students. That is the gross rent reduction because of that?

**Mr. Allen:** Right.

**Mr. Roy:** At the bottom of the page, we then identify the fees that are associated with all of those children going, the \$19 million. I am with you.

**Mr. Allen:** Yes. Payable by the Roman Catholic board to whom?

**Mr. Roy:** To our board.

**Mr. Allen:** To your board?

**Mr. Roy:** Yes. In order to get at the difference, we then go back to page 5 and identify the tax loss because of the assessment shift, the net loss of the grants totalling the \$20 million.

**Mr. Allen:** I am still puzzled. I gather the figures on page 2 in the appendix relate strictly to general legislative grants. They are not taking into account the municipal property taxes. I am not getting into that because that raises some other questions.

I am trying to understand your second figure of the general legislative grants net loss of more than \$2 million, when apparently the exchange between the loss of actual total grants and the fee repayment from the Roman Catholic board puts you in a net of \$3,010,000.

**Mr. Roy:** I am having trouble finding the \$3-million reference, I am sorry.

**Mr. Allen:** What is the figure two thirds of the way down the page where 4,500 students are estimated at \$19.7 million—

**Mr. Roy:** The \$19 million is the fees. That is revenue to us from the separate school boards.

**Mr. Allen:** That is right.

**Mr. Roy:** The figure up above is the grant figure, the gross loss.

**Mr. Allen:** The grant loss.

**Mr. Roy:** We also then have an increase. Because we are losing all of that assessment—and I do not want to introduce that—our relative wealth goes down. Because our wealth goes down, our grant rate goes up. The netting of all of that—the assessment shift, the children going out becoming nonresidents—results in those figures that show up on page 5 as a total lost revenue of \$20 million. But we recover \$19 million in the first year in fees.

**Mr. Allen:** Those other factors more than compensate for the \$3-million gain in the fees grant loss exchange.

**Mr. Roy:** No, there is a net loss in the first year of approximately \$860,000.

**Mr. Allen:** I think I have got that.

What is the additional income you maintain you would otherwise have lost by virtue of the minister's recent announcement that the assessment will not now be lost to you for an additional year, leaving you with a year and a half of property taxes that would otherwise have shifted this coming January 1?

**Mr. Roy:** The \$17 million of property assessment that shifts and results in that kind of local tax levy is lost.

**Mr. Allen:** This figure takes into account the minister's announcement, in other words?

**Mr. Roy:** The extension to January 1987 in terms of implementation?

**Mr. Allen:** Yes.

**Mr. Roy:** We have not put years, I do not believe, in our document. We call them year 1, year 2, year 3. Given the absence of a designation, this is the first year of implementation.

**Mr. Allen:** As I understand the minister, you would normally have lost that assessment this coming January 1. The students are all gone and you are not paying for the grade 11 transfer in so far as that is happening. You told us you do not have an exact measure of that. But as a consequence of the minister's announcement last week, you will hold that money and it will not be taken away from you for that subsequent year until January 1, 1987. I am asking you how much that amounts to and how much that offsets the cost you are talking about.

**Mr. Roy:** It just puts it one year later in terms of the loss of that revenue, but at the same time we are not gaining the grant revenue on the other side.

**Mr. Allen:** I am sorry, but as far as I can see you are absolute winners for one year. The ministry is going to cover the costs of those students in the separate system, and you are going to have the assessment where you would not have had it, period.

**Mr. Roy:** Without arguing the point, that announcement was just made and this brief was prepared before that.

**Mr. Allen:** I just wondered whether you had an estimate on that.

**Mr. Roy:** However, in the first year of implementation, when the taxes shift, the grants are also affected.

**Mr. Allen:** Yes, I admit that point.

**Mr. Jackson:** I have had a chance to scan your brief, Mrs. McKee, but I do not see any reference to a position that you may or may not have on the issue of the unified school board approach. Can you tell us your position on that?

**Mrs. McKee:** In our submission to the planning and implementation commission, I believe it says we would support the notion of a unified board.

**Mr. Jackson:** Then it is agreed that a component part of co-operation would be a board that has representation of all ratepayers and that there would be an absorption of the facilities of the separate system. Do you envisage, for example, maintaining the program components of the separate system, appropriately placed throughout your region?

**Mrs. McKee:** Mr. Jackson, we have not gone into the aspects of the unified board to any great extent. We supported the position taken by the directors of education that suggested there should be some investigation into the unified board approach. We do not have a plan.

**Mr. Jackson:** You do not have a personal opinion based on your years as a trustee?

**Mrs. McKee:** No; I think it is worth investigating.

**Mr. Jackson:** Whatever model emerged from the investigation, it would have to address the issue of accommodation. Would you not agree that a formula similar to the one we now have for capital expansion would apply to a unified board system? As you know, the system we have now is a five-year projection with priorities based on need. Would you not feel a similar policy would be required by the ministry?

**Mrs. McKee:** I would expect so.

**Mr. Jackson:** Given that, would not the capital construction for either system be dealt with on the basis of need in any given coterminous jurisdiction?

**Mrs. McKee:** There has been no assurance of that. The province has traditionally not had the amount of money required for capital to transfer to the school board. Sometimes we have waited years to get capital money to build a school; indeed, we are waiting right now regarding the school I cited with 20 portables on it. We could not get approval to put an addition on to that school.

**Mr. Jackson:** I am aware of the situation. Several of us on this committee are trustees and have gone through the problems of the ministry decision several years ago to freeze capital building. However, I want to go back to my point.

Do you not feel that in any coterminous jurisdiction the same sort of prioritizing would occur if a joint group of trustees of the two boards set the criteria to establish which areas would get a school or an expanded facility? An expanded facility implies the addition of an upgraded gym because of numbers or whatever.

**11:50 a.m.**

**Mr. Kent:** When you talk about a unified school board, Mr. Jackson, you are talking about a noncompetitive model. You are not talking about the free enterprise system in education but about one board that has jurisdiction over all the children. They will obviously accept priorities regarding where within the region the facility should be built next.

In the present situation being contemplated by the Legislature, there is a competitive model. That does not mean one does not co-operate, to get back to Mr. Offer's earlier question. We have co-operated with the separate board for years. We have no difficulty in co-operating. We do all kinds of things for each other. The issue is not whether the separate and public boards co-operate, but whether you fund both from public revenue.

At present, you have a competitive model, a free enterprise system, and that brings a certain political reality to it. The public board is going to want the best possible facilities for its children. The Roman Catholic boards are going to want the same thing. That inserts a political element in the allocation of capital funding. To a very large extent, that would be removed if you went to a unified school board and the model you suggested.

**Mr. Jackson:** Do you feel threatened in any way by the fact that you are competing on the basis of program, and competing unfairly?

**Mr. Kent:** The only position the Peel board is taking is that if there is to be legislation and if we are going to have competition, we want to be able to compete on an equal basis. We do not want to have to go into it with one or both hands tied behind our backs.

If it is an open competition where the rules are the same and we are compensated for the loss of funding, we will beat anybody, if you want to put it in those terms, because we are determined to create and continue the best possible educational

system for our children, just as the separate boards are.

We are not afraid of competition. We are afraid of it when the rules are stacked against us. That is what we are afraid of, and we think that is what will happen unless some provisions are made to protect public education in the legislation.

**Mr. Jackson:** It is clear the Legislature is trying to achieve the very end you are suggesting, but for all students in this province, and we are hopeful the legislation will not bind your hand but unbind that of the separate system to provide programs.

**The Vice-Chairman:** Are there any other questions from the committee? If not, thank you very much for coming before us; you have been most helpful.

We will now hear from the Ontario Secondary School Teachers' Federation, District 8, Hamilton.

This is brief 591.

#### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION, DISTRICT 8, HAMILTON

**Mr. McCulloch:** My name is Kim McCulloch, and I am the president of OSSTF District 8. We represent the 1,000 public secondary teachers of the city of Hamilton before its board of education. To my right is Frank Kelly, who is a secondary school principal in Hamilton; I am sure he can share his experiences with you, if you care to ask him, particularly with respect to sharing facilities and the sorts of things that happen on a local basis with regard to this whole question of extended funding, Bill 30 and whatever. To my left is Lyle Gauley, who has done some work on some specifics of Bill 30. Between the three of us, I think we can not only share our ideas but certainly hear yours also.

**The Vice-Chairman:** How do you plan to proceed with your brief?

**Mr. McCulloch:** We are not going to read the brief. We will just operate as we go. To begin with, some of the remarks I will make do not refer directly to Bill 30, but having heard some of the remarks made this morning by previous presenters, that seems to be the way others are operating.

Frankly, we find it incredible that we would ever be here in the role of defending the integrity of public education in our city and elsewhere. It seems to us the purpose of the bill as it relates to extended funding is to set in stone, or set for ever, or perhaps for the next 125 years, two systems of

education, which are different but the same, both publicly and equally funded, purporting to provide access to quality programs for all students in Ontario and in the city of Hamilton. Yet one system is allowed to discriminate in hiring and to discriminate in the access of students on a religious basis.

We see the extension of funding and the bill itself as retrograde steps. It is not the completion and the fulfilling of a purpose set in 1867, but rather stepping back to another time, another place, another society and another culture. We do not see it as a healthy thing for our city or for people in Ontario to take that direction.

What we need in Ontario is a close examination of the entire philosophy of secondary education, and all education, for the 1980s and the 1990s and the year 2000. Looking into the future, it is difficult for me to perceive that the separation of students and, by extension, of our society on divergent paths, according to public education on one hand and Roman Catholic education on the other hand, can be a positive thing for us.

We have tried to look at and consider the costs of things, not only the monetary costs but also the social costs and the cost to education, as opposed to the gains, in terms of money and social and educational gains. In addition, there is another area in which I am sure you might be most interested, the possible political gains.

In monetary costs, we have heard numbers ranging into the hundreds of millions of dollars. Our director of education estimated some time ago that it would cost the public board in Hamilton \$40 million to \$50 million in additional tax dollars over a period of a few years, if the extension of funding went through, simply to continue to provide the same quality of program and level of opportunity for students in the public education system as before. We do not see that as anything positive at all.

Is there a social cost? That has yet to be answered, I suppose, but the tremendous awareness of this issue has done nothing positive to bring people in this province together. One can only conclude, although I hope not, that it will divide people and drive them apart. Surely we are better off with the status quo than making the situation worse.

What is the cost to the public education system? We do not have the facts and figures, not being a board of education. However, it is fairly evident from one's experiences in any school system that as the numbers of children decline, more pressure is put on the smaller but valuable

programs. In the end, tough decisions have to be made about consolidation or elimination of such programs. In the city of Hamilton last year there were more than 200 classes, many of them single sections in schools, of less than 18 students. As the numbers of students decline, those are the very programs that are most likely to go or to be consolidated into fewer buildings.

## 12 noon

If we lose students through separate school funding, there will be a cost to the public education system; it is not a cost that can be made up in dollars. It will simply result from the fact that we do not have the number of students we had before.

The question then is, "What are the gains?" There is certainly a monetary gain for the separate school system. However, one would question whether, in the long run, this dumping of hundreds of millions of dollars into school systems will do much more than maintain competing and perhaps mediocre systems compared with what we have today.

I would like to refer to something specific. In Hamilton, as I am sure you are aware, we have just come through a lengthy strike. It caused some upset in the system; so we do not have as many numbers and figures available as other school systems would have. However, there is no agreement on staff transfer between the Hamilton public board and the separate school board. To my knowledge, no formal talks have taken place since about last May or late April.

At the moment we have 34 redundant public school teachers in Hamilton. To my knowledge, there have been no voluntary transfers, partly because no voluntary transfer agreement has been worked out between the boards and because no teachers in Hamilton were contacted.

There was a strike on at the time, but no teachers were informed of the positions the separate school board had open. When we did become aware of the five to seven positions, they were subject areas in which the Hamilton board would also have to hire; they were highly specialized areas.

We do not know whether any of those positions lost to the public school system resulted from the extension of funding. We suspect it is so. It may be another month before we know, but we have to ask the question in good conscience. If some of those 34 people have lost positions as a result of the extension of funding, where would you stand with regard to their future employment? Is the public board responsible for them?

Is the separate school board responsible for them?

During the next few weeks we hope to have more information and can provide answers to these questions. At the moment that is a problem. We are into the first week of school and there are people with no jobs.

On the question of our positions, we dealt at some length in our brief last February with the concept of the umbrella or unified board. The Hamilton-Wentworth region is a two-tier system of government and we see the umbrella board encompassing the Roman Catholic separate school board, the Wentworth public board and the Hamilton public board under one system. This is a practical setup and in line with the rest of the local government.

We see it as encouraging or making possible the sharing of facilities, which at the moment seems to be a thorny issue. There is some sharing of facilities between the separate school board and the Hamilton board at the moment, but on a limited basis. There will be hell to pay when the day comes that a neighbourhood composite secondary school in Hamilton is put on the block to be transferred to the other system.

We have 11 large composite schools offering the widest possible range of programs, which has been the philosophy of the public board over the years. No matter what the circumstances, when one goes it will deprive or inconvenience a large number of public school supporters and their children.

In the long run, the umbrella board should also avoid duplication of facilities and allow for the sharing of special programs. The best example of that might be special education facilities and personnel because both boards, I am sure, are struggling at the moment to provide on their own.

It would provide universal access of students to all facilities under the umbrella board. It would probably have more universal support by the public in general and should go an awfully long way to alleviate employee concerns of the sort I mentioned earlier. We go into that in some detail in the appendix, which was the earlier submission to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, which is attached beyond the yellow page in your brief.

We have a final statement before we turn it over to the experts. We cannot accept the idea of two fully funded supposedly public systems of education, one allowed to discriminate in terms of access to students or access of teachers to jobs

on the basis of religion. No time-period limitation or anything else will change our minds on that. It is a concept and belief that in Ontario and in Canada this is not the way to operate. It is unjust, and we can see no positive social or educational benefit coming from that. I suppose it may be the thorniest issue of all for people like yourselves to deal with, and we have no easy answers to it except to say that we are in opposition to anything that puts into law or extends the concept of discrimination on the basis of religion.

We are opposed to the funding, opposed to Bill 30 and, in saying that, we feel we reflect very strongly the feelings of public secondary school teachers in Hamilton.

**Mr. Kelly:** In making their presentation, the Peel people referred to the fact that they were a still growing system, which puts them, in my view, in a very favourable position. In Hamilton we have not been that fortunate over the past almost 10 years. It has been a period of decline. I would like to point out that during that time we have taken steps to alleviate that decline and, I think, to strengthen the system in the city of Hamilton.

We have closed secondary schools during that period on a rather regular basis. It has been a matter in each case of trying to consolidate the best facilities we had available. We originally closed Laurier Secondary School in the east end of the city. We closed the two grade 13 schools and a vocational school a year ago.

Having done that, I think we have, in combination with the new OSIS program, brought in a system that is suitable to the needs of any student in the city of Hamilton. In doing that, we have also tried to maintain the neighbourhood school system, which the people of Hamilton look upon very favourably. With the 11 schools Kim referred to, we now have a system that serves the public need very well in the city of Hamilton.

We are very aware that we do have spaces. We have program spaces. In February, when we spoke to the planning and implementation commission, we pointed out the use of space that we had in mind at that time and a sharing which we see as a much more viable alternative than a transfer policy. We would ask the committee whether it has taken a firm position on this whole concept of sharing versus transfer. We have not seen a statement to that effect.

The alternatives within our system are probably as diverse as those in any system in the province. As Kim has said, we see very little

reason for duplication of several very costly services that have been built over a long number of years.

**12:10 p.m.**

**Mr. Gauley:** First of all, I would like to thank the committee for the opportunity to present our views at this time. Mr. McCulloch mentioned that we certainly represent the views of the public secondary teachers in Hamilton. I might go further and suggest that perhaps we represent the views of a number of people in the province if we go back to the election in May. I think former Premier Miller has indicated as well that the issue of separate school funding had an influence on the past election.

I would like to go through some of the recommendations we have made on page 3. I do not want to go through the entire brief, but I have gone through Bill 30 and responded to selected sections and I have indicated some of these under the section entitled "Recommendations."

1. We make the general comment that the bill should be delayed until all the problem areas can be dealt with in a democratic manner. This forum is perhaps one example of dealing with these things in a democratic manner. We have come in good faith, hoping the recommendations or suggestions we make, if you think they are worth while, will have some influence on the legislation that finally comes down.

2. The second recommendation indicates that there are a number of areas in which the directions do not seem to be totally clear to us, and maybe you can help us out with some of these. I have indicated in particular section 136i and subsections 136l(1), (2) and (3) and 136v(3). Assuming that your knowledge of the bill is greater than that of the average person, I perhaps do not have to elaborate on what those sections deal with, but we can do so if necessary.

3. Workable agreements—Mr. McCulloch just referred to this area—should be in place. Currently, they certainly are not in place between the Hamilton Board of Education and the Hamilton-Wentworth Roman Catholic Separate School Board.

The previous presenters from Peel were talking about co-operation. They seemed to feel there was a good level of co-operation between their two boards. I do not know whether that is necessarily true in Hamilton. I refer to subsection 136o(5) in this regard, which particularly has to do with the director's opinion in determining what spaces might have been lost because of separate school funding.

4. The concept of the unified school board should be seriously considered as a possible solution. Mr. McCulloch has spoken to this one quite well, I think.

5. The importance of maintaining neighbourhood schools is something Mr. Kelly just mentioned. I think this is particularly important. I know we are speaking in one respect to a religious issue here, but I think for many people the importance of school is that there be a school near them in the neighbourhood. If particular programs have to be spread thinly between two publicly funded systems, are they both going to be able to offer complete programs? Perhaps not. Then a choice will have to be made. If that choice means going out of the neighbourhood to another school, for many people this may mean they would sooner move to another neighbourhood where the child can walk to school, where it is a reasonable bus ride or whatever the case might be.

This could be a particular problem in Hamilton because we are surrounded by a number of other areas, such as Burlington, Stoney Creek, Dundas and Ancaster, and it is quite easy for people to move to these areas and commute to their jobs. It is certainly not like driving through Toronto, as we found out this morning. Therefore, we are going to be losing students from Hamilton. The Hamilton Board of Education, in particular, may not be able to carry on a feasible program; so there are a number of implications there.

6. Any transfer of facilities between boards should be handled under the established school closing procedures. It was brought up in the earlier brief in February that these procedures have been put in place by the ministry, I believe. Local precedents have also been set for how these things are to be handled.

The particular concern here is that the legislation mentions that the commission or the committee, whatever it is to be called in the future, "may hold public meetings." We are concerned about that wording. We certainly think public meetings must be held, that it should not be at the option of the committee.

7. There should be guarantees for the maintenance of the contractual rights of all teaching, administrative and support staffs. There are a number of problems in this area, which I have indicated in my anecdotal comment. How will the staff be designated? This is one problem to begin with. What staff are redundant because of separate school funding? Mr. McCulloch just mentioned the 34 redundant teachers. Was this

redundancy due to potential extended separate school funding? We do not know.

How is it going to be determined what teachers would be designated? Will they be given an honest opportunity for a promotion in the new public system? Will supervisors from the public board, let us say, be able to obtain equivalent positions in the new public system with the separate school board? I do not want to be cynical, but I can envisage the supervisory positions filling up very quickly with people from within the Roman Catholic school board, so that any supervisor from the public board would be looking at a teaching position.

According to the legislation, is he suitable for that? First, it is a demotion. Would he be able to fill that position under the legislation, because it suggests it be one similar to the one already held? Again, a number of questions come to mind in that area.

8. Any education system funded by public tax dollars must be free of any form of discrimination. I refer to subsections 136l(19) and 136o(6). The latter, in particular, mentions religious studies. We feel the option of not having to take religious studies should include Roman Catholic students as well. Surely saying non-Catholic students would be free but Roman Catholics have to take religious studies is a form of discrimination as well.

9. Finally, there is a suggestion concerning tax dollars that is perhaps a logical solution. I do not know that this would be to our benefit—in fact, it would not—but it speaks to the notion of planning for the future, that the tax dollars follow the student rather than being property-based, because if both systems are going to be open to all students, will a board be able to count on having a certain number?

The student can make his selection, presumably at any point. If a program he wants is not present in the school he is currently attending, he may switch for that year. Maybe he will come back and maybe he will not. If it is a completely open system, that kind of switching back and forth could happen quite regularly, so any logical long-range planning might be very difficult.

Those are the major concerns to which we have spoken in the recommendations and we will certainly take any questions you might have.

**Mr. Allen:** I am delighted you people are back at work and I am sure you are too. I am also happy you got a pretty good agreement out of it and that we are all moving ahead in Hamilton with the main job that has to be done.

As with many of the more comprehensive briefs that try to get right down to the issues and point them out for us, there are many more questions popping into my mind than there is time to devote to them, but perhaps I could just ask a few.

Regarding the 34 redundant teachers who you indicated are the total in the system this fall, was there an anticipated number of student transfers from the public to the separate system in Hamilton that was indicated in concrete numbers in the course of late spring and summer?

**Mr. McCulloch:** We have to remember the system closed down in mid-May and that made a difference. The staffing for the coming year, had it been done in April, would have been based on projections. However, the projections were very fuzzy, as I am sure they were elsewhere, as to whether the kids coming out of grade 8, in particular, would come into the public system as they normally would.

Terminations then took place at the end of May and the 34 about whom we are talking are those not rehired. There were 71 terminations of secondary school teachers, but half or so have been rehired. Some more may be, but because the system did not get under way again until the day after Labour Day, it is my belief the powers that be just had no idea how many bodies would be there and probably still are not sure.

**12:20 p.m.**

However, we hope in the next week or so some more people will be rehired. It is difficult to envisage that all 34 will be. Also, I do not think we will know for some time yet—for a few weeks or a month down the line—to what extent the extension of funding has affected our enrolment.

**Mr. Allen:** I gather it goes into your collective agreement to provide devices to cope with redundancy in recent years. Have you these?

**Mr. McCulloch:** We have a system of seniority and rights of recall, severance pay and all kinds of things of that sort. However, I do not think they were ever meant to cope with people who would lose their jobs because of an action on the part of the government of Ontario.

**Mr. Allen:** No, I certainly agree with that. That was not envisaged. That is what we are trying to cope with in terms of the protections we are trying to build into this bill.

Really, there is no clear picture at this time of what proportion of those 34 could, in any sense, be attributed to this. Have there been any guesstimates from any of the schools on the rate

of pupil loss? As a principal, for example, do you have any sense in your schools?

**Mr. Kelly:** The current situation seems to be a moderate decline in public secondary school numbers—not a drastic decline. If I could base it on what was usual in the spring term at Hillpark, where I was principal, the common pattern was about 30 students coming from Roman Catholic separate schools. Last year, of course, we had absolutely none. The circumstances were unusual, as Mr. McCulloch has pointed out, so that school is now facing a decline of about 30 on projection.

**Mr. Allen:** Am I right that in Hamilton there is about an 85 per cent carry-through in the separate system from grade 10 into the senior secondary years?

**Mr. Kelly:** That is correct.

**Mr. Allen:** So the likelihood of really massive transfers is not great?

**Mr. Kelly:** I would suspect it would not be massive.

**Mr. Allen:** Taken that it is already so high?

**Mr. Kelly:** Right.

**Mr. Allen:** Regarding your question as to who is responsible for displaced teachers, I felt the bill was relatively clear on that. However all that is done, in the end the Ministry of Education has committed itself to carry the extra cost. If there are a number of displaced teachers who are so designated and are not hired across into the public system, they remain the responsibility of the public board and the ministry will carry the additional cost. Is that your understanding?

**Mr. McCulloch:** I had read it that way too, but in this situation the circumstances are unusual. Some of these people—I do not know how many—are out of work right now. Maybe our board will have the answers three or four weeks from now. But does that mean a designated number of these redundant people must be taken back on by the Hamilton board at that time?

**Mr. Allen:** No. The legislation is not written, but the direction it appears to be moving is that there is no dispute on that principle, at least as I have heard in the committee and from the Minister of Education (Mr. Conway).

Are you satisfied with the direction in which we are moving with respect to the processes of designation? Are you satisfied that we are designating positions rather than individual teachers, and designating them in terms of the public board's pupil-teacher ratio? Are you satisfied that we are transferring them on the

basis of qualifications as indicated on the teacher's certificate, with the designated guarantees that lie with the remaining teachers in perpetuity in the public board and with the guarantees of transfers of benefits—salary levels and what have you—into the separate board, also in perpetuity? Is there a problem with that package?

**Mr. Gauley:** A number of those certainly sound very good on paper. I do not want to be cynical, but I do perceive a number of difficult situations developing. I mentioned one of these before, namely, positions of responsibility—whether it be the head of a department or a principal or someone at the supervisory level—may be filled very quickly by people of the Roman Catholic faith.

**Mr. Allen:** Do you mean people already in their system or people of the Roman Catholic faith in general?

**Mr. Gauley:** I mean people in their system, first of all. I am sure every Roman Catholic board across Ontario has said Roman Catholicism or the Catholic nature of its system is most important and that it wants to maintain that. Are they going to be able to maintain that if they are putting non-Catholics or people from other boards into supervisory positions? I am rather sceptical about that.

**Mr. Allen:** I will accept your scepticism. We have all had our scepticism on a whole lot of questions on this issue, as you understand. Just about everywhere we have gone we have heard about non-Catholic supervisory personnel in the Catholic system at this point in time who appear to function well, who are accepted well and who perform well, and the boards have no problem with them.

While we have sensed that there is a problem with that in the Roman Catholic public and among some trustees here and there—and that has been publicly bruited—none the less those in charge of hiring in the system and directors of education in their system have hired and have a history of working with non-Roman Catholic personnel in those positions.

I wanted to mention that to you because to us it is worth knowing that and eroding at least a little bit of one's own healthy scepticism about some of these things.

**Mr. Gauley:** My main point there is it would never become apparent that a supervisory position was open. That is what I am trying to suggest. Even if it were open, it would be filled within the Catholic system before it ever became

apparent that position would have been open for a supervisor in the other system should he be misplaced because of funding.

**Mr. Allen:** By the same token, I presume in your board system situation, the likelihood of supervisory personnel ever facing transfer would be almost nonexistent.

**Mr. McCulloch:** That is difficult to say. The situations you are referring to with non-Roman Catholic supervisory personnel in separate school systems elsewhere in the province are different. You must remember the Hamilton-Wentworth Roman Catholic Separate School Board is a large, complex, complete system with a long-established tradition of hiring Roman Catholics and promoting within its system, as other large systems do. You are right; if this situation might never develop, but if it did it would be very difficult to perceive that they would bring in non-Catholics. That is merely based on what the Hamilton separate school board has said in its submissions.

**Mr. Villeneuve:** Thank you for your presentation.

Obviously in the Hamilton area you are faced with several situations that concern you as representatives of the teaching profession. In your honest opinion, which has the biggest impact, Bill 30 or the declining enrolment?

**Mr. Kelly:** If I could respond, as I stated, we felt we were handling the decline very well. It was an ongoing thing; we were able to handle projections and knew roughly how we could cut back. The Bill 30 implications are much more drastic.

Taking it beyond some of the issues we have talked about, in our composite schools we have a vast array of technical and vocational shop space in our seven vocational schools. The separate school board in Hamilton has not established that kind of shop situation in the past.

It seems to me the combination of decline and the setting up of a separate system is a terrible squandering of money when there is available space within our composite schools. We should have been looking at a sharing of those facilities.

Having pared four out of our original complement, we do not have any one school that should be closed, because they are still running at 1,100 to 1,200 students. There is space available and, with the direction of a committee such as yours, people could come together and set up a pretty good sharing of expensive equipment.

If we go the route of just separating off and duplicating the same facilities, which is the expectation of the separate school student—and

rightly so, if they have the funding—to me that is an awful waste of money.

**Mr. Villeneuve:** But the question still remains. You had the reduction of enrolment in hand and were handling it reasonably well; some jobs were quite obviously becoming redundant, and that was being addressed as an ongoing problem. However, you also stated that there is a fairly small switchover at the grade 10 level from the public system to the separate system.

**Mr. Kelly:** Right.

**Mr. Villeneuve:** You still maintain the implications of Bill 30 have rendered your situation much more difficult even with a fairly small switchover?

**Mr. Kelly:** Yes. The kind of student we will be losing predominantly is an intermediate student, a grades-10-to-11 student in many cases, who traditionally came into a technical program at that point, wanted a technical program and moved to the composite school to pick up the shops that were not offered in the separate system.

**Mr. Villeneuve:** The sharing and the common use of the physical plant seem to be somewhat difficult, in your opinion. At least, the mechanics of it seem a little bit difficult right now with the rapport you had with the separate board and what have you.

**Mr. Kelly:** At the moment, that is not the expectation of the separate board, and they have made it very clear in a couple of statements.

**Mr. Villeneuve:** Bill 30 may put a different slant on that?

**Mr. Kelly:** When it is concluded, I would hope it would.

**Mr. Villeneuve:** I have one last question.

Regarding the catholicity of the separate system, you express some concerns as Bill 30 is now. You quite obviously are not happy with the protection that has been laid out for people whom you represent. Briefly, what would you add to that appendage to ironclad, as you say? I do not know what “cast in stone” or “ironclad” is. Could you please help us on that?

**Mr. Kelly:** You are asking how you can legislate. We are talking here in the area of goodwill as much as anything. I will give you an example, without meaning to make accusations. The separate board in Hamilton declared it had seven openings and could take people from the public board. When one looked at the seven openings, one saw that the seven teaching positions were all in such specialized areas that

no one from the Hamilton board could take them; at least no redundant teacher in Hamilton could take them. Then one wonders what kind of internal transfers took place in the first place. Why were there no English, mathematics and history jobs open?

I do not think we have suggestions as to how you make things work. There may be no way to make ironclad guarantees, because here we are so much into the area of people's judgement, subjective opinions, attitudes and whatever, no matter how we look at it. Perhaps some larger solution must be looked at, and that is how we come up with our rationale for the umbrella board. It is a unified board in that it takes people out of saying, “I am selling Fords and you are selling Chevs”—the competitive situation—and puts them into a co-operative situation.

There is no other option except to provide facilities, expertise, equipment and buildings for every student in the city. The only way that could operate, as we see it, is through an implementation of some form of unified board. We suggest the three boards would probably be the best situation in Hamilton.

**Mr. Villeneuve:** This committee is very aware of what you say, and we are looking for guidance here. That is one of the areas that I think will be spoken to at some length before Bill 30 is cast in stone.

**Mr. Gauley:** I would like to make one addition to what Mr. McCulloch said concerning positions that might become open, if they were specialized. One suggestion we would make is that a teacher from the public board who might be designated be given an opportunity to become qualified for that position.

**Mr. Villeneuve:** Excellent; thank you.

**Mr. Kelly:** I have just one other remark. I have a fear of setting up, in a system such as Hamilton, an old system and a new system. If we cut young people from the bottom of our teaching staff, as most systems traditionally do in a cutback situation, all of a sudden those people are cut, transferred or whatever. As a result, the average age in the one system becomes older and the average age in the other system becomes younger and vital. A very severe thing can happen if that continues over a number of years. I hope you will consider that in your deliberations as well.

**The Vice-Chairman:** Thank you very much for a very comprehensive and specific brief.

For the information of members of the committee, the next delegation has been good

enough to agree to come at 2 p.m., since the original 2 p.m. witness has cancelled. Mr. Farrow, a trustee from Etobicoke, will be here at 2 p.m., when we will resume. The committee recessed at 12:36 p.m.

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- From the Ontario Secondary School Teachers' Federation, District 8, Hamilton:**
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No. S-35

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**

Tuesday, September 10, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)  
Allen, R. (Hamilton West NDP)  
Davis, W. C. (Scarborough Centre PC)  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Tuesday, September 10, 1985**

The committee met at 2:07 p.m. in committee room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** The first presentation is from Mr. Farrow. I want to express our appreciation for Mr. Farrow coming back. I did not understand that part of the deal was that he would postpone his presentation until 2 p.m. if we took him out to lunch, but we did not take him out to lunch and he still postponed his presentation. Thanks very much.

Before you get started, Mr. Farrow, just for the information of committee members who did not hear Mr. McClellan's report on our chairman's condition, I gather the procedure that was used this morning was very successful and Richard is doing extremely well.

Mr. Farrow, thank you very much for waiting. You may proceed at your convenience.

W. CLARE FARROW

**Mr. Farrow:** Thank you. First, maybe I should tell you something about my credentials for being presumptuous in coming here to make some comments to this committee.

I am in my 44th year as a school trustee. Those are aggregate, not consecutive, years because, as you know, there are such things as elections, and I lost a couple. But that means I have been involved in educational matters for more than 50 years, either as a participant or an observer.

Before I get into the text of my submission, allow me to say that in 1980 I produced a book on the background. I compiled it; I did not write it. There are a lot of gems in it. If anybody wants a copy, I will see he gets one; I have a couple of copies here.

One of the gems I would like to mention is an article by the Honourable Richard Scott, who sponsored the bill in 1863 and who wrote an article that appeared in the encyclopaedia in the 1890s; so presumably he wrote it in that period. One of the things he said was that the 1863 bill ended an agitation.

I am sure many of you, or all of you, know the Honourable Ian Scott is the great-great-grandson

of Richard Scott. I sent a copy of this to Mr. Scott, and drew his attention to the comment about ending the agitation. He thanked me, and I presume he read what his great-great-grandfather had written. He said he had not been aware of the article before.

In the introduction to my book, I was bold enough to predict in 1980 that we were entering a period of agitation for greater separate school funding.

Now I would like to read you my submission. It is short and to the point.

The mandate of the committee is unclear. The advertisement states the committee will meet to consider Bill 30. That implies submissions are expected to deal with presumed deficiencies and not whether the concept is good or bad. That may be consistent with a vote in the Legislature, but it does not square with many of the promises for a free debate.

Again and again, assurance has been given that ample opportunity would be available for debate in the House and by the public prior to action. What do we find? In the House, party discipline has effectively silenced many would-be critics. During an interview, one party leader said if any member of his caucus disagreed with the party about the funding of separate schools, he expected the member to remain silent.

That underscores a weakness in our parliamentary system. Our federal parties have indicated a desire for reform to make the role of the back-bencher more meaningful. Maybe Ontario should move in the same direction. A good beginning would be a unanimous recommendation from the committee for a free vote in the House on separate school funding.

In regard to the public, what do we find? The Legislature has presented a *fait accompli*, and the promise of a free debate has been relegated to a place where there is an opportunity to say how it should be done but not whether it should be done. In the last election there was no suitable means of expression for those opposed to extension of funding. Therefore, it is incumbent upon the committee to report to the House any significant opposition and demonstrate that the hearings are more than a formality.

This brief is purposely short in the hope that it will be read and considered seriously. The list

below includes matters that should be outlined clearly and fairly in Bill 30. To avoid repetition in the work of the committee, supporting argument is limited. It is likely the same points will be made by others, and the need for solutions is well known to members of the committee.

These are some of the things I am sure you know already, but I repeat them.

Continuing education, night school, etc.: Now there is only one kind of secondary school taxpayer; if we are to have two, will both systems offer continuing education? If so, has the extra cost been included in the projected cost of funding expenses? If government is left with one system, does that mean any nontaxpayers of that system will pay the full cost to attend?

Assignment of assessment: There are innumerable instances where Catholics have chosen to send their children to the public school system, which was their right, and of course they were taxed accordingly. When schooling was completed, the assessment was reassigned to the separate schools. To a lesser extent, there have been cases where Roman Catholics have had successful careers teaching in the public school system and have paid taxes to that system, and then after retirement their assessment has been reassigned to the separate schools. The new legislation should terminate such abuse and not allow a similar scenario to develop at the secondary school level.

Any favours granted to Catholics should be also granted to non-Catholics. You heard all about that from Peel. I was here this morning waiting for my turn, and I heard Peel tell you about that; so I do not have to tell you more.

If Bill 30 proceeds, separate school representation on public school boards should be terminated unless equal provisions are made for public school representation on separate school boards.

Reconciliation with the Constitution: There is no question that power over education rests with the provinces. However, some contend the new Constitution puts boundaries on that power. The court ruled in the Tiny township decision that separate schools have no constitutional right to secondary school funding. From that ruling, it could be concluded that the Ontario Legislature had the power to fund or not to fund separate high schools. A new court ruling is needed to determine whether that power is still there under the new Constitution. The committee should seriously contemplate the problems that will arise if extension of funding is unconstitutional and report the same to the House.

Bill 30 should provide that no change in governance take place where there is only one high school in the community. In this instance, it is a matter of which ox will be gored. The affected communities have been getting along fairly well under the status quo. The committee and the Legislature will bear heavy responsibility should the cure turn out to be worse than the disease. Which is better: one good high school offering a reasonable number of course options or two weak ones born with pain?

John Fraser, a member of the Newnham commission, said in a minority report about Kenora:

"I am assuming none the less that the price of extending the Catholic school system is not to be paid by lowering the quality of education in this province. It is my view, however, that this is precisely what will happen in Kenora and the other centres sharing similar characteristics."

He also said:

"In many districts, not all of them in northern Ontario, where the population is small, the delivery of educational services is compounded by the desires of francophone parents to have their children taught in their first language. I have no doubt that the wishes of the francophone parents could be met by a single school board. Furthermore, one could predict then that by 1995, neither the public school board nor the Catholic school board will be able to offer a secondary school program"—and he is referring to these single-school communities—"worthy of the name."

I simply ask, is the committee and the Legislature willing to bear that heavy responsibility?

The above, except for the Fraser quotes, was prepared in July. I now wish to offer the following supplementary information about problems that will flow from two publicly funded secondary school systems.

Many proponents inside the House and elsewhere claim it is a simple matter to add two or three grades to the existing separate school system. That is wrong. At best it is oversimplification, and at worst it is like opening Pandora's box.

By now, no doubt, the committee is well aware of the financial and program problems that will ensue. In any event, my comments may open some perspectives.

In a broad sense, grants are inverse to assessment per pupil. Since the separate schools have a relatively low assessment per pupil, their grants on a provincial average have been more

than 80 per cent since 1971, reaching a high of 85.12 per cent in 1973. During the same period, the public school provincial average was in the 40 per cent range, with a high of 53.39 per cent in 1975. It is important to note that the grant percentages relate to grant ceilings, not to gross expenditures.

Figures from the educational statistics are attached in exhibit A. In other words, you can look at that. The figures I have given you are not mine but were supplied by the ministry.

I hope you will listen to this part of my brief, because it concerns a very important factor. One of the reasons the separate school grant is high is that grades 9 and 10 have been grantable on an elementary pupil basis. That increases the number of elementary pupils and hence reduces the assessment per pupil. In other words, you have a greater number of pupils to divide into the assessment. Obviously, if you have a lower assessment per pupil, you get a higher grant.

**2:20 p.m.**

In 1969, the Ontario Public School Trustees' Association submitted a brief to the Minister of Education—by the way, a copy of that brief is in here if you want to study it further—which showed that by bulking their pupils up to grade 10, separate schools gained a substantial advantage. The fact was not accepted and scant attention was given to the brief. None the less, if grades 9 and 10 are removed from the elementary separate panel, the assessment per pupil will rise, generating lower grants.

There are obvious questions. Will the grant structure pick up the slack or will the local ratepayers? Has the separate school in reality been disadvantaged by having grades 9 and 10 grantable as elementary? That is what they have been telling us all along, that they have been disadvantaged by this. Since they may move now into the secondary panel, the moment of truth is imminent.

At present, all local ratepayers are taxed for secondary school purposes. Under Bill 30, separate school supporters automatically become separate high school supporters. Therefore, there will be a substantial reduction in funds available to public high schools. In Etobicoke, estimates range from \$8 million to \$12 million per year. I have been told since I wrote this that \$12 million is the more likely figure.

There will be compensating factors to lessen the impact, but the net result will be a shortfall. Experience has shown that spending does not go down with enrolment. In fact, the opposite seems to occur. For example, in Etobicoke, between

1980 and 1984, the enrolment went down by about 18 per cent and spending went up by 34 per cent.

Again, there is the obvious question: Will grants pick up the slack or will the local ratepayers? Whichever way it goes, it is taxation to be borne by an already overloaded tax system. Local ratepayers—and I can say this without fear of contradiction—are already restive about tax increases, and there may be a political price for those who cause any new increases. Since the proposed change is bound to cost more, the committee and the Legislature would be well advised to weigh the consequences carefully.

I have only one recommendation. The standing committee on social development should make an interim report as soon as possible advising the Legislature and the administration to set aside any plan to change the funding to separate schools because the findings of the committee may provide a foundation for a better way. Moreover, the interim report should be made public without delay.

**The Vice-Chairman:** Thank you very much, Mr. Farrow. Are there questions from the committee?

**Mr. Allen:** I want to thank Mr. Farrow for coming and presenting his views to us. From his long experience, we can all benefit.

I have a couple of questions. In the first instance I want to ask him about his statement in point 3, on page 2, that "any favours granted Roman Catholics should also be granted to non-Catholics." Is he saying they should be granted on any terms or on the same terms of public accountability?

**Mr. Farrow:** You heard the Peel submission this morning. The act is loaded with advantages or terms with which separate schools could operate. If you are going to put in the terms under which a separate school can operate, put in the terms for the public school. In other words, whenever you give a benefit to one panel, you should give it to the other. They summed it up very well: "We do not mind competition as long as we are all playing the game under the same rules."

**Mr. Allen:** Does that not beg the question as to where the present protections for the public system exist, namely, in the Education Act? Do you want us to load the whole Education Act into this Bill 30?

**Mr. Farrow:** What are you doing in Bill 30? Is it actually amending the Education Act?

**Mr. Allen:** In some particulars.

**Mr. Farrow:** Where you put an amendment in there that states the rights of the separate school system, then a companion amendment should state the rights of the public school system.

**Mr. Allen:** There are provisions in the Education Act that are parallel to some of these provisions.

**Mr. Farrow:** I am sorry. I have not memorized all the acts.

**Mr. Allen:** I know, but that question—

**Mr. Farrow:** It is just a basic principle.

**Mr. Allen:** The basic principle is taken care of, from my point of view, but is the act not full of protections for public school teachers? Is that not what we are principally working on in some major sections of that act?

**Mr. Farrow:** You have hit another point I would like to expound on at length, but we have not got time today—namely, the protection of the teachers' retirement gratuities. As trustees, we are worried about that. I agree there are protections in there for teachers, but that has nothing to do with the question of funding or not funding.

**Mr. Allen:** That is another question altogether. I quite agree with that and I certainly am in great sympathy with your points in that respect.

When you compare the grants to separate schools and public schools on pages 3 and 4, you note that the difference is due to the fact that grades 9 and 10 are included in the separate elementary panel. Is it not an even greater consideration that the separate schools do not have equal access to commercial-industrial assessment? Is that not what is balanced out there in point of fact?

**Mr. Farrow:** That is the reason I would suggest you look at that page showing the percentage of funding from the province. I would suggest, Mr. Allen, that the fact that they do not have the industrial assessment helps to reduce their assessment per pupil. Do you follow that? The industrial assessment being applied to the public school increases their assessment per pupil and affects the grant; so I would argue that through the grant structure the separate schools are, in effect, getting benefit from the fact that they do not have the industrial assessment. Conversely, if they had more industrial assessment, they would get less grant; so I think there is a degree of fairness built into the grant structure.

You have to go beyond that, and I underlined—

**Mr. Allen:** I thought you were saying there was unfairness in this bill.

**Mr. Farrow:** I underlined that it was up to the ceiling. If you want to get into what is beyond the ceiling, that is where the rub is coming as far as the separate schools are concerned. I am sure you are well aware of that.

**Mr. Allen:** That is where capacity to pay really tells; that is right.

**Mr. Farrow:** But up to the grant ceilings I think there is a fair reward, if you want to put it that way, coming to the separate schools. Because of their lack of industrial assessment, they are getting a much higher grant. I did show you that it is well over 80 per cent since 1971.

**Mr. Allen:** I am aware of those statistics; but they also, as you indicated, hide some other things, if you do not bring them into the picture.

**Mr. Farrow:** I think you are getting into the problem of the commission on financing education.

**Mr. Allen:** That is right. We are often into that problem.

**Mr. Farrow:** One of the solutions might be to drop the grant ceiling, which would take care of some of the problems the separate schools have because they do not have industrial assessment. That is a whole different question from funding, although it does fringe on it a bit, I will admit.

**Mr. Allen:** I just wanted to ask you those points, just to see whether you had something further to add to them that I did not understand.

**Mr. Farrow:** Basically, I would like to say I am not one of those who accepts the fact that the separate schools have been penalized to any great degree because of the lack of industrial assessment. They would like you to believe that, but I do not believe it.

**Mr. Allen:** We will not go around the circle again. With regard to your point on page 4 that in Etobicoke between 1980 and 1984 the enrolment went down about 18 per cent while spending went up about 34 per cent, is that real dollars, constant dollars, or is that current dollars?

**Mr. Farrow:** Current dollars. In other words, what I did there was I took the auditor's report, which gives the enrolment for those years and also gives the gross expenditures; so those are current dollars.

**Mr. Allen:** Thank you.

2:30 p.m.

**Mr. Villeneuve:** Your wealth of knowledge after 44 years in the system, sir, is obvious. On page 2, item 2, assignment of assessment, is this simply a theoretical statement you are making, or do you know that this actually happens, such as a

Catholic family sending their children to a public school, paying public school taxes while the children attend and then revert back to the separate system, which in most cases is higher taxation; and similarly, for someone who is successfully employed as a teacher in the public system and then reverts his taxes back to the separate system after he retires? Do you have documentation of that?

**Mr. Farrow:** I have personal knowledge. I do not accept the premise that the separate school taxes are higher. I think you will find in most cases the separate school boards look at the levy for the public school boards and arrange it on a level basis. Etobicoke has the luxury of having a public school rate lower than that of the separate school. In most cases, taxes are either equal or higher than those of the separate school; so I do not accept that premise.

When you run for municipal office—maybe you gentlemen have been through this—you have to have 10 names on the nomination paper. I have a neighbour across the street, a good friend of mine, who is a Roman Catholic. For years I used to get him to sign my nomination papers. All of a sudden, when I checked the voters' list, he had changed his taxes to the separate school and he did not bother telling me.

I went to him and said, "Hey, neighbour, why did you not tell me?" "Oh," he said, "I did not want to mention it."

"Why did you change?" I asked. "Oh, well, the priest asked me if I would change," he replied.

All his children are out of school now.

I am glad you mentioned it because one of the members was asking this morning about the assessment for separate schools. The question was based on the premise that all of those separate high school supporters have children. I hear from a lot of people paying educational taxes who are saying, "Hey, I do not have any children and I am still paying these taxes."

We should not assume that because the secondary school levy is going to be switched from the public to the Catholic high schools we are going to gain something because we do not have to educate their children. A lot of them do not have any children, so where is the gain? I do not think that came out in the questioning this morning. I was sitting back there listening.

I know I have answered your question, but would you try me again?

**Mr. Villeneuve:** I was led to believe that in most cases separate school supporters were paying, everything else being equal, somewhat

higher taxes because of the fact that they supported the separate system based on a considerably smaller tax base. You seem to indicate something different.

**Mr. Farrow:** I have not studied the rest of Ontario, but I can tell you that is not the case in Metropolitan Toronto.

**Mr. Villeneuve:** Thank you.

**The Vice-Chairman:** Are there other questions from the committee? If not, we want to thank you, Mr. Farrow. I served on a school board for two years and anyone who has served 22 times as long as I served has a lot of intestinal fortitude.

**Mr. Farrow:** The thing is that if you enjoy it, you can keep going. If you did not enjoy it, you would have to get out. I have fun all the time, as I am having today. Why not?

I will leave one for the committee anyway.

**The Vice-Chairman:** Thank you very much.

The next presentation is exhibit 592 from Stephen Rupert. Welcome to the committee.

STEPHEN M. RUPERT

**Mr. Rupert:** Thank you very much.

I guess this must be your lucky day because my presentation is equally as short as the previous one. This is the first time I have ever really done anything like this, so I would ask your indulgence because I am a little bit nervous.

Thank you for granting me this opportunity to speak to you and voice my opposition to Bill 30. I am presently a supply teacher with the North York Board of Education, but any opinions I give are mine alone and not representative of the board or of my colleagues.

I am against the full funding of the separate school system as a citizen, a taxpayer and an educator. My comments to this committee will be primarily as an educator.

It is necessary to review what some of the goals of our educational system are. The most obvious goal is that students are taught skills over a wide array of subject areas such as English, French, science, history, geography, computer science, art, business and music, to name a few. We now teach language across the curriculum so that students learn that proper English is essential at all times, not just in English class.

Along the way we try to build self-confidence and independence, try to bring out the best in each student as a human being and, most important, try to teach them to become responsible Canadian citizens.

As educators, we achieve this latter goal by imparting respect, understanding and tolerance of all individuals. Considering Ontario's rich cultural mosaic, what better place to teach our future business and political leaders than in the public school system? Children of all races and creeds learn together that although there may be some external differences, there are many more similarities. This is taught not only through the curriculum but also through daily classroom interaction.

Using the class environment, students learn about our basic rights as listed in the Canadian Charter of Rights. Some of these are that all people are equal in the eyes of the law and that each individual has the right to worship as he sees fit and to be educated. Again, because there are no exceptions in the public system, it has usually been a nonsectarian one.

In Ontario parents have the right to the secular education of their children, if they so choose, at their own expense. Now we have Bill 30. Bill 30 states that those of the Roman Catholic faith deserve a full secular education at the public's expense. The unique Catholic mission is now the public's concern, whether its members are Catholic or not. Furthermore, separate school supporters can now direct their tax dollars strictly towards the separate system, while childless couples and parents of students in other denominational schools must financially support the public school system.

Does this mean a segment of this province's population can now opt out of financially supporting public education? Does Bill 30 say the two thirds of this province who are not Catholic and, therefore, not deserving of their own secular school system, are now to be treated as second-class citizens? Are non-Catholic teachers second-class teachers?

Watching the presentations made by the various separate boards, the impression I received was that the designated teachers transferred to the separate system would be tolerated, not welcome. Some separate boards have made statements that indicated such teachers may have little or no chance of promotion within the separate system. There may also be future conflicts over lifestyles, despite any assurances contained in Bill 30.

The bottom line seems to be that religion has more importance than professional expertise in our roles as educators. I fear, from the statements I have heard, this same philosophy will apply as far as new staff are concerned.

What will happen to teachers like myself, either supply teachers or recent graduates, in this situation? If Catholic, there will be two school systems from which to choose possible employment; if the teacher is non-Catholic, there is only one system available. A teacher who is non-designated and non-Catholic, again such as myself, virtually has no future in this province. Bill 30 legislates an end to our careers. Why is this happening?

I am simply someone in this country who chose education as my profession. I get immense personal satisfaction from teaching. I am mentally challenged each and every time I step inside a classroom and I am very proud of the job I do. Most of all, I am making a direct contribution to the future of this country.

What will Bill 30 contribute to our future leaders with respect to their Canadian heritage: that all people are equal but some are more equal than others? If the Canadian Charter of Rights is to have any significance at all, then one religious group cannot have any privileges not available to all others.

The representatives from the Jewish schools of Metro Toronto said it best. They support the full funding of the separate school system because their group will be next in line for a similar arrangement. If Jewish schools are next, then it will be Anglicans, Presbyterians, the United Church of Canada and Christian Reform. Where does it stop? Once the ball gets rolling, how can it be stopped?

**2:40 p.m.**

What will be the impact on the future if Ontario adopts a fragmented education system? Will not our future business and political leaders also reflect this polarization of society? What is the ultimate goal of Bill 30? To educate Canadians who happen to be Catholic or educate Catholics who happen to be Canadian?

To conclude, I am against full funding for the following reasons: the imminent fragmentation of the public education system; non-Catholics being treated as second-class citizens; allowing separate school supporters to opt out of financial obligations to public education; the religious intolerance which seems to be growing in this province; and discrimination against nondesignated and non-Catholic teachers.

**Mr. Chairman:** Thank you very much. That was not too tough; you did fine. Are there questions from the committee?

**Mr. Jackson:** About a month ago we received a delegation of supply teachers—

**Mr. Rupert:** That was from the Toronto board, right?

**Mr. Jackson:** That is correct. There was some concern about the impact the bill would have on that group. Because of declining enrolment, that is already a major issue. That is obviously a concern you have.

**Mr. Rupert:** To be honest and with all due respect, I do not think they really presented the idea very well. The Toronto board is represented by the Ontario Public Service Employees Union. In North York we are represented by the Ontario Secondary School Teachers' Federation at a membership of \$1 until something is done for us. It seemed to me the representative there was more of a spokesman and was not a supply teacher.

Ours is a tough job because we never know where we are going from day to day. Once we get to a school and find out what we are going to be teaching, when we are going to be teaching, where, get to the room, and hope we find someone with a key, we have no more than 10 minutes to get a whole day prepared. So we are on our feet and we have to think fast. It is a demanding job, but it is not one I really intend to pursue for very much longer.

We get no benefits whatever. If we do not work, we do not get paid. The only good thing it does is it keeps your foot in the door, so that if a long-term assignment comes up, if you are well-known you can usually pick up one of these positions.

The problem with the Toronto board is that each school would have its own list of supply teachers to call and so there would be a small clique. It would be associated with one school and so it is very hard to break in. In North York we have a central dispatcher, and if you never refuse an assignment you are one of the first called. It is fairer; but as I said, it is not part of the teaching profession I want to pursue for much longer.

**Mr. Jackson:** If I might pursue that further on a personal note, are you a victim of declining enrolment or are you still seeking full certification?

**Mr. Rupert:** I have my certification. I am just a victim of declining enrolment.

**Mr. Jackson:** How long were you a teacher before you found yourself in this position?

**Mr. Rupert:** I have always been a supply teacher. I have had long-term assignments; I have taught a full year.

**Mr. Jackson:** For how many years have you been a supply teacher?

**Mr. Rupert:** Four and a half.

**Mr. Jackson:** I have one final question on that issue, since you bring insight to this specific aspect of education. There has been some talk about a battery of responses in collective bargaining to declining enrolment, and one of them was a permanent supply pool. You understand the impact of the legislation with regard to the transfer and compounding the decline.

What are your personal thoughts on the issue of this committee pursuing permanent supply pools? This could be one of the areas for, as an example, a teacher who really in conscience cannot justify transferring to the separate system but who is declared redundant. In some ways, that takes your job away.

**Mr. Rupert:** That is already happening. There is a thing called the Metro agreement.

**Mr. Jackson:** Yes, I understand the components of that.

**Mr. Rupert:** Even before I hear of a job, either through the board or through a school, they have to go through North York and all the other boroughs and the city of Toronto. If no one is available then I can be contacted, but not until then. On the other hand, if there is an advertisement in the paper it means the school is desperate to find someone to fill those shoes, because there is an average of between 150 to 300 applications per position. There are a lot of us out there.

The main fear is it will be just that much more impossible to get a job. This transference to a separate system which will want Catholic teachers means the shrinkage of the public system has been accelerated.

**Mr. Allen:** Could you tell me what the perspective looks like without Bill 30? How much worse does Bill 30 make it from your perspective? That is what we are dealing with and we are trying to measure that discrepancy.

**Mr. Rupert:** I can only speak for myself. I have an excellent reputation in North York. There are many schools there that ask for me as their first choice, and this reputation is something I guard very jealously. Sometimes the schools go out of their way to ensure I can be added to their staff for a long-term position. But with Bill 30, some surplus teachers may decide that is it; they might as well switch careers. There are some who are leaving because they have had enough.

By taking those who would be declared redundant and transferring them to the separate

board, their positions are filled and none are left at that moment in the public system. There is also the fact that as a non-Catholic, the separate system is not available to me. The teachers are being transferred, those positions are being filled and I am barred from that part of the system because I am not Catholic. In bumping teachers out of the public system, you are talking about people with 10 to 14 years' experience. Over the last four and a half years, I have managed to gain a year and a half of official experience. So it is virtually just cutting everything right off.

**Mr. Allen:** I am not quite sure I see that. Without Bill 30, those Catholic students would stay in the system and it would still be a system, not in every part of the province but in most places, in demographic decline. When Bill 30 comes into play, those students will move and a certain body of teachers identified to correspond to them on the pupil-teacher ratio of the public board will also go or will be maintained.

**Mr. Rupert:** Oh, okay. I think you are forgetting—

**2:50 p.m.**

**Mr. Allen:** What I am asking is whether there is any substantial difference in prospect for the supply teacher one way or the other as a result of Bill 30? If you could help me with that, I would appreciate it.

**Mr. Rupert:** Without Bill 30, when those students in the separate system reach grade 10, they would have transferred to the public system. That is what is missing. Everyone talks about going from the public to the separate. When Bill 30 comes in, you have now cut off moving from the separate to the public. That is where the public system is losing at the moment. I do not know the numbers, but those students are not transferring over. The school where I had my last long-term assignment was the largest school in North York, Georges Vanier Secondary School. They lost 16 teachers just in June. They may have lost a couple of more since then, mainly because of students not transferring in from the separate system.

**Mr. Allen:** That is a helpful answer.

**Mr. Villeneuve:** Thank you, Mr. Rupert, for a very good presentation from someone who is living under rather uncertain professional conditions. I appreciate your concerns. We have had a number of submissions from Roman Catholic separate school boards who have told us that just about all of them have a percentage of non-Catholic teachers, to the point where some of them actually teach religion.

**Mr. Rupert:** I tutored someone who was in the separate system who was a religious teacher and he was Jewish. I was shocked at that one but apparently it is not as uncommon—

**Mr. Villeneuve:** You happened to mention that you were barred, which is not quite true.

**Mr. Rupert:** It is not worth applying, to tell you the truth. I have made applications but each time I got the application back. They want a pastoral letter of reference.

**Mr. Villeneuve:** If that were to be removed as part of the package in Bill 30, could you live with that? If you were offered a position—the position came open within a separate school—

**Mr. Rupert:** If a position was open, yes, I would take it because my only ambition in life at this moment is to teach. That is what I want to do. It is what I am good at.

**Mr. Villeneuve:** If that were part of Bill 30, whereby you would have considerably more access to the separate school system, you would not be totally against it.

**Mr. Rupert:** Even if I got a job with the separate board, I would still be against Bill 30. It is the idea of the church and state not being separate. There seems to be a legislation of religion here which I do not like. For the province to educate its young people, it is not the responsibility of the province to see to a secular education. That is up to the individual. That is part of their religious freedom in this country. That is the individual's business, not mine.

**Mr. Villeneuve:** You are not quite in agreement with the system as it now is from kindergarten to grade 10 under a separate school system?

**Mr. Rupert:** It is in the Constitution and there is not much I can do about it; but personally, no, I do not like it.

**Mr. Villeneuve:** You are aware that President Reagan has recently stated that he would like to see a lot more religion being taught in the United States than there is now. I know that may never come to pass, but that is his personal feeling.

**Mr. Rupert:** Exactly.

**Mr. Villeneuve:** One last question. You say non-Catholics are being treated as second-class citizens. If accessibility to separate schools were freed to the point where because of location, desire of the individual to attend or whatever, a non-Catholic wished to attend a separate school system, and that were opened up considerably in comparison to what it now is—

**Mr. Rupert:** As long as the separate school system has any right of refusal, then no, it is not acceptable, because it is a public institution and it cannot say no. That does not make it a public institution. It is a private institution as long as they have the right of refusal because the public education system is for all, regardless. If the public system cannot handle a child who is exceptional or who has a severe disability, then there have been provisions made in the past to put them in a private school where their disability can be looked after properly; the province has lived up to its commitment to see this child received an education. As long as there is the right of refusal, it is not a public system.

**Mr. Villeneuve:** Let us assume that Bill 30 would be changed so the right of refusal was removed and protection of teachers was initiated to a further degree than what is now in Bill 30. Would you still consider yourself as a second-class citizen vis-à-vis the educational system?

**Mr. Rupert:** If that was the case, probably not; but then again we would not have a separate system, would we?

**Mr. Villeneuve:** The Catholicity of it is *raison d'être*. That is why it is there. If we watered it down to where we had two parallel systems, then we are going basically to a competing systems situation, and I hope it does not wind up that way.

**Mr. Rupert:** I hope so too, but the other thing is also possible. As I said, once the Catholics have full funding, then maybe the Jews, the Anglicans, and on and on will want it. Who says this group can have it, this group cannot; where do you start? If we are all supposed to be equal under the eyes of the law, then if you supply it to one religious group you supply it to them all.

**Mr. Villeneuve:** That is not for us to decide today.

**Mr. Reyecraft:** I want to ask Mr. Rupert about the fourth summary point in the brief, the one which deals with the growth of religious intolerance in the province. I did not pick up any reference to the summary point in the brief. I wonder if he could expand on that for us.

**Mr. Rupert:** There have been reports of many in the separate system who do not like having non-Catholics thrust upon them in their system because of Bill 30. They want the separate system for Catholics only. I cannot recall all the specific instances because there have been many presentations made on this point.

One of the things I really do like about the public system is that you can get an incredible mixture in any one classroom. When I was at

Northview Heights Secondary School I had an English-as-a-second-language science class. When I walked into the room there were five rows of seats. I had two rows of Israelis and two rows of Koreans and a demilitarized zone down the middle. These people just would not talk to each other; near the end of the year, however, that was no longer the case, because they had all been dumped in together. As I pointed out, you are learning to live together.

We have an incredibly pluralistic society. We have many races and many creeds. There is really nothing that will foster hard feelings more than if you really have no idea what the other group is like. As long as you have a melting pot, if you will, within the public system, they see that although there may be external differences they are just the same as you or I. What is the problem? Why does this group hate this group? It all seems to disappear.

By imposing this artificial barrier you are basically saying: "The Catholics are not different. They are better than everybody else." Everyone is saying, "If they get it, why can I not get it." Their anger is being directed, rightly or wrongly, against the Catholics and the Catholics may view it as having all these, maybe not non-believers but those who do not believe like them, in their system which is supposed to be for Catholics only. It seems there is a lot of hard feeling against having this shoved down their throats.

I just do not like the sound of it. Again, I am speaking personally.

**Mr. Reyecraft:** I am still having difficulty determining from your response how Bill 30 is contributing to the growth of intolerance. I do agree it is contributing to the growth of expressions of intolerance, but that is a different matter.

**Mr. Rupert:** Maybe I did not express myself properly then.

3 p.m.

**Mr. Reyecraft:** I have heard others come before and say, "In our school we did not know which teachers or students were Catholic. Now, because of Bill 30, we know, and we are not happy about the situation." That does not reflect a growth of intolerance, merely a broadening of their awareness of who is who and therefore an expression—

**Mr. Rupert:** Maybe it was a wrong choice on my part, but there were definitely bad feelings on both sides. This has to be addressed as well. There seems to be a finality about the whole

thing, that there is no choice. It is coming; come hell or high water, we are going to get it. There is nothing we can do to slow it or stop it.

**Mr. Reycraft:** The debate that took place in the Legislature dealt with the matter of principle, and that is not the task with which this committee is charged, although we can generally report whatever we wish. We fully expect there will be many changes in this legislation. Many amendments will be proposed before it is presented again in the Legislature.

**The Vice-Chairman:** Some of the issues you raise are certainly going to be subjects of amendments to the bill. One of the possible amendments might deal with the right of the separate school system to discriminate in its hiring. If that were eliminated, the opportunities for people like yourself, who are not currently on full-time staff, could increase even beyond what is currently the situation in Ontario without Bill 30.

There is a possibility things may change substantially in Bill 30. As Mr. Reycraft says, I tend to think there will be major amendments to this legislation. We appreciate your input in that process.

**Mr. Rupert:** Might I make another comment? Unless there is some sort of change I can see in the very near future that most teachers—I am thinking about this at the moment—will go to the United States because that is where the jobs are. The school system depends on crazy people like me who really enjoy what they do. I would hate to see a mass exodus of teachers, where we might be left with a shortage here. That is a viable alternative; the United States is offering a viable alternative to teaching in Canada.

**The Vice-Chairman:** We could get into the discussion of what a viable alternative is and whether the American system has a viable alternative.

**Mr. Rupert:** It is a job.

**The Vice-Chairman:** After Mr. Villeneuve's comment, I was thinking that perhaps we should subpoena Mr. Reagan as an expert witness.

The next presentation to be made before the committee is a joint one by Rev. Schwantes and Mr. Horsch. The exhibits are numbered 610 and 613.

E. W. SCHWANTES AND H. C. HORSCH

**Mr. Schwantes:** We respectfully submit to the social development committee of the Legislature of Ontario our deeply felt disappointment and also our grave concerns regarding the recent

introduction and content of Bill 30, the Education Amendment Act of 1985.

This act can serve no other purpose but to bring dissent and divisiveness to the province and its people, the province which with its many ethnic, racial and cultural groupings has been able to live in relative harmony as a mosaic, so that it is therefore admired by many.

With this new legislation, we fear many issues which have been dormant and thought to be no longer relevant in a modern nation will surface and disturb the harmony of its people. Demands for equal justice and new considerations in the light of the upcoming legislation will definitely arise.

Out of the concerns we have stated we would like to address the committee and counsel restraint and new deliberations before any final steps are taken. We speak as citizens of this province and as troubled leaders of two Lutheran congregations in Metropolitan Toronto. Our church is part of a denomination which, in its long European history, has known and experienced many a conflict, often ending in tragic consequences.

We know how much has been written and how much more has been said regarding this issue. It is more than a simple piece of legislation; it is an extension of an existing agreement, as we were told. It has become clear to us that it is a divisive issue. Its ramifications, only recently recognized by many people, strike at and endanger some very fundamental rights.

There is more at stake here than the funding of a school system. The government and the parties who have initiated this action have touched on some fundamental concepts and ideas and have put a question mark to them, namely, the commitment of the secular government to treat all people as equals and to grant the same rights and privileges to all its citizens.

These concepts are being challenged, particularly in the light of all we have heard. We are told this province is moving towards greater harmony and accord among its many diverse groups and religions. Furthermore, we have been told that our public education system is equal to none.

It came as a complete surprise to most of us that the funding of separate schools would be extended and that thereby the entire primary and secondary Roman Catholic school system would be elevated to a separate entity with complete, guaranteed funding of its educational system.

To this day one has not been able to find any reasonableness for this proposed action. On the contrary, by all accounts, the financial burden of

the province will increase and the loss of teaching positions is widely suggested. We believe these factors to be true. Consequently, they lend credence to the suggestions that other motives are involved.

The official reason brought forward cannot be accepted. The reason given is this: the new proposed full funding of the Roman Catholic separate school system is a legitimate outgrowth of the British North America Act.

All of us are aware that, historically speaking, in 1867 the political preponderance of this act was an entirely different one. It was not to create two school systems; the legislators saw fit to protect a minority from a majority. They gave this minority full protection under the law so Catholic children could be educated in their own faith and traditions without anticipated interference or any undue influence which might jeopardize the peace and harmony of this new nation. Therefore, they offered one of the founding minorities in Ontario the support of the government through public recognition and funding. Thus the separate schools came into existence.

We believe the legislation in 1867 was born out of a spirit of reassurance to the said minority, a commitment to the people and a protection from absorption by the Protestant majority. This speaks of the tolerance and understanding of the people of that time.

Today, one can assume that we live in an age of religious, ethnic and racial tolerance; therefore, we submit it is no longer necessary, nor do we deem it right, at this moment in our history to grant one religious community the privilege of having its own school system with full funding guaranteed by legislation. There is no social, religious or other reason to extend full funding to the entire secondary separate school system.

The reason given, that this is a belated action to comply with the original laws of 1867, cannot be accepted. It is being refuted by our mutual tolerance and respect for one another. This holds true for all faiths and religious persuasions in this province. The pluralistic society in which we live is witness to our mutual respect and understanding.

### 3:10 p.m.

Like so many others, we feel compelled to ask the government and the political parties why the proposed legislation at this time? What are the real reasons? Furthermore, we ask the all-encompassing question: whose status was and is at stake? Why should one group, one particular strand of the Christian faith, need reassurance

and additional guaranteed public funding to round out its secondary school system? Who is in need of protection from a majority?

Why should one denomination be accorded the benefit of full funding of its separate school when we pride ourselves in having the best public school system in the world? Why two complete, separate school systems? The previous government under Mr. Miller denied this fact in the throne speech by saying, "We are not proposing to create a new public system," while in effect this is exactly what has taken place.

Whatever the present government is planning to do, it is inviting serious repercussions in regard to education but also, and more perhaps, to the trust and confidence the citizens of this province have had in their elected governments.

The fact is that the government is saying to the people of this province: "As of this moment we will have two fully separate and fully government-funded school systems; but one, through the historical precedent of 1867, will be recognized as the one that will be teaching Christian virtues. In its general outlook and philosophy it will be supportive of Christian ethics and morals."

The public knows and has accepted the fact that this system will enforce strict behaviour and dress codes in the school population. On the other hand, our present public school system will continue to function as before and is not aligned with any particular religious, ethical or moral concept. Rather, the public school system seems to be destined to serve a heterogeneous composition of the population which is part and parcel of our present society.

Here the government appears to say, "Out of deference to the general population we cannot teach any particular or specific kind of religious concept, but we provide some eclectic kind of teaching in moral and ethical concepts which are drawn from the various worldwide, known religions."

The government seems to have decided to give its people the option to have their children educated either under the auspices of a religious, in this case Christian, community or under a nonsectarian concept of education. This may be a laudable approach since it may be an answer to the criticism that the public schools are not doing enough to stem the ever-increasing tide of secularism.

Barring the argument that this is a logical extension of the 1867 agreement, one has to infer now that by extending full funding to the separate school system and thereby offering the people a

choice of two school systems with different philosophies, the proposed legislation is inherently acknowledging the separate school system to be worthy of public support to inculcate Christian values in those children whose parents so desire.

The implications are clear. The government has opted to satisfy the demands for school reform and religious and Christian education in our primary and secondary education system by presenting the established separate school as a choice and alternative to the public system for those who desire different schooling for their children.

As a religious community within the Christian faith, we find fault with the fact that the government is choosing one part of Christendom to be part of the public school system while excluding all others. Though we recognize the Roman Catholic church as a member of the family of Christians, we question whether, under the present Constitution and setup in Ontario, the Catholic church should be given the sole right to be the only communicator of Christian teaching in the public and secondary school system. One cannot help feeling the government is becoming an accomplice in promulgating one set of values over others.

Therefore, the following questions come to mind: Is this proposed legislation constitutional under the existing laws and regulations? Is the Charter of Rights and Freedoms not being violated? Why is there only one particular confession entitled to full public funding of its schools? Why are there regulations to prevent other religious groups from receiving public funding for their education system?

Concluding from the abovementioned, we feel there are many unresolved questions and uncertainties in this proposed legislation. At this moment, this could easily lead to the fragmentation of our social fabric and could easily bring about resentment among the various cultural and religious communities toward the government of the province.

Therefore, we request that the government go back to one public school system in a move towards improving the quality of education, at no time incorporate schools of one particular faith into the official public school system and refrain from according full financial funding for their operation while they still retains their denominational independence and exercise their own authority.

We concur with the suggestions that have been presented to the committee, although perhaps in

a somewhat different form. Uppermost in our mind is that the government appoint a commission to bring in a report, not later than 1988, on the basic philosophies which would shape and govern the content and direction which the education of the children of Ontario should take. Included in this ought to be a suggestion as to what role and form the private or any other oriented school should take in the total framework of the educational system.

If the government feels it should offer the general public a school system that embodies the Christian principles in its education framework, then a referendum or plebiscite ought to be held so our society can freely choose. To avoid leaving anything in doubt as to a violation of the Canadian Charter of Rights and Freedoms, we hope the government will have this issue resolved by a court's examination.

The government should draw up legislation that will prevent religious, ethnic or racial groups from receiving preferential treatment, either through funding or official status, for their schools.

In the light of our development as a racially and religiously integrated society, we ask the government to look into the matter of rescinding part of section 93 of the Constitution Act, formerly the British North America Act, as no longer a necessity to protect a minority.

**Mr. Horsch:** In carrying on where my colleague left off, I would like to begin by pointing out that the social, cultural and religious scene in Ontario has changed drastically since 1867. The country of the two founding nations has grown into a pluralistic society. Christianity is no longer "the" religion. Roman Catholics are no longer a minority in need of protection.

In some places in Ontario, I understand Roman Catholics come close to being 50 per cent of the population. I suggest it is likely that this fact is why the political parties represented in the Ontario Legislature have embraced the principle of full funding for the separate school system.

Public education in the western world began and has its roots in the Christian churches. Schools used to be the place where religious differences were taught and stressed. However, since the inception of the ecumenical movement, Christian denominations have striven to underscore what they have in common rather than that which separates them.

In most parts of the western world, including Ontario, there exists an atmosphere of religious tolerance. Atheists, Christians, Hindus, Jews, Moslems and others are peacefully living side by

side. By granting full public funding of the Roman Catholic school system, the government of Ontario is doing something that is potentially extremely dangerous.

The accomplishments of humanism are being undermined and nullified, for the law now encourages and provides the opportunity for the separation of children from one another along the lines of the religious preferences of their parents.

Full public funding of the Roman Catholic school system prefers one Christian group over all the others. Therefore, the Roman Catholic church could be seen as the church preferred by the Ontario Legislature. If only Roman Catholic Christians have the right to own and operate a separate school system which provides sectarian instruction with public funds, this will not only prove to be divisive but also relegate all non-Roman-Catholics into second-class citizenship.

Thus, a preferred religion has come into existence in Ontario. This is intolerable in a modern state, but it does not end here. By the extension of full public funding to a sectarian school system, the Ontario government reaches into an area in which it has absolutely no business, the realm of conscience and religious decision-making, for it seems to prefer Roman Catholic citizens as well as to nullify the accomplishments of the ecumenical movement.

It is almost inevitable that full public funding of the separate school system will resurrect distrust and resentment between Roman Catholics and Protestants. This might even be desired on the part of the political powers in Ontario. For then, if that should happen, the churches being divided will no longer be able to speak with one voice regarding the social policies of the government or the lack thereof. Even the Roman Catholic church, which has been very outspoken of late on the social questions of our time, might be silenced, for what the Ontario government giveth, it can also take away.

3:20 p.m.

To be opposed to public funding for the separate school system has been branded as being opposed to ecumenism. I suggest the opposite is true. It goes against my understanding of ecumenicity when one Christian group seeks, accepts, and is seduced into accepting, privileges that are not accorded to others.

Lutherans feel the purpose of any government is to keep order within the state and to create justice. Justice means the equal treatment of all citizens and the equitable application of the law.

It is the duty of the legislator to make sure the laws themselves are good and just.

The proposed public funding of Roman Catholic schools creates injustice and inequities because it gives a right to one group which currently is not being extended to another. We feel we have to oppose this proposed action of the government of Ontario because it offends the fundamental principle that Lutherans hold regarding the purpose of the state.

Justice demands equal treatment of all religions. If one religion has the right to have and operate its own schools, then the same right must be accorded to all others. Any religion desiring its own schools should then receive full public funding for this purpose. This very idea horrifies me, for such a system would be unworkable, separating, confusing and not at all in the interests of good education.

The only reasonable alternative is to have only one publicly funded school system in which each religious group is granted the right and opportunity to sectarian instruction of its adherents' children.

**The Vice-Chairman:** Thank you very much.

I must take issue with one aspect of your brief. Somehow you see in Bill 30 a possible plot to divide the Christian community and their sometimes united voice on some very important social issues. I cannot believe that was in Mr. Davis's mind when he changed his position on this issue and supported extension of funding. I can speak for my party on that point. It has never come up during these hearings and never has been an aspect of our consideration of this bill.

It might be stretching the point a bit to think that was one of the motivations in the extension of funding in Ontario.

Do you want to respond?

**Mr. Horsch:** May I react to that?

**The Vice-Chairman:** Certainly.

**Mr. Horsch:** Some years back, I was sitting on an ecumenical committee of church leaders in Toronto. At that time, we were trying to speak with a united voice to the then government. We had certain people blocking our criticism. When we discussed the matter privately, a very important and well informed person mentioned to me: "You know the reason the Roman Catholic church does not want to criticize the government? They are that close to receiving full funding."

That goes back, if I remember correctly, to 1982-83.

You are saying I stretch the point. Maybe I do, but I am pointing out to you a potential danger, which perhaps could be used.

**The Vice-Chairman:** We will go on to the questioners.

**Mr. Offer:** Thank you for your briefs. I would like to ask a simple question. From the briefs submitted, am I to gather that you wish to dismantle the present separate school system, including elementary education?

**Mr. Schwantes:** I would say definitely yes. Why not? It has served its purpose. We live in a very new, modern, tolerant society. Why should one religious confession, whether it be Christian or Hindu, have the privileges? You do not need to protect anyone in this country of ours, do you? I do not think so.

As my colleague and I both pointed out, why should one denomination have the privilege of having religious instruction and having the say of which teacher will be hired? There may be amendments to the bill, but basically, from what I have heard on radio and television, the separate school system still has the power to hire and fire according to its own guidelines.

In the end, if progress is really what we want, have we reached the stage now where we have truly become one society? Have we upgraded our public school system to one where we teach Christian virtues? Have we designated the Roman Catholic church as the place where a student will receive more discipline and better instruction?

I have people in my own congregation who say quite frankly: "We have taken our children out of the public school system because there are all kinds of things like drug abuse going on. In the separate schools there is discipline and there is religious instruction." That is commendable, but why can we not have a public system that is stricter and more orderly? Is it better to open the system like this and say, "If you want religious instruction for your children, we will give you funding"?

**Mr. Offer:** You have indicated in your brief that you feel the implementation of this bill would bring about dissent and divisiveness. I would like to get your feeling about the elementary separate school system being funded to grades 9 and 10. Have you detected dissent and divisiveness with respect to the funding of that system?

**Mr. Schwantes:** I have observed that people have taken this as the status quo and have accepted it as part of society. More than 50 per cent of Canadians who are living in Toronto have come from foreign shores, myself included. We have accepted this, but now it is being extended, and one starts to question the wisdom and

rationale for it. There is certainly friction. It is not open but there is a separation.

If the system becomes completely closed, without doubt the religious communities, which are divided themselves, will bring up their children in their own systems. They teach different kinds of value systems. This could happen unless we become so secularized that we do not care about religion. I do not believe this is true. I think people are moving back towards some religious and spiritual instruction. The question is whether the Roman Catholic church, granted it is the largest confession, should be accorded this privilege based on laws that were granted 100 years ago?

In Quebec some 20 years ago it was very hard for religious minorities to operate. When I came to these shores, Jehovah's Witnesses were not tolerated there. They were driven out. In a large city like Montreal there was one Lutheran church. So why not move in the opposite direction?

**3:30 p.m.**

**Mr. Horsch:** Maybe I could add here something which is important to realize. Pastor Schwantes and myself, as you certainly have gathered from my accent, come from Germany. We live here under the British system which follows precedent and law—what happened before and this sort of thing. The question you have to ask yourselves follows on that. Can the future of this province, which is now entering the space age, be governed by laws and rules and concepts which were brought into existence in the horse-and-buggy age? Are they still applicable?

I would add that the question also has been asked, would you want to dismantle the separate school system as it now exists? It is always difficult to dismantle anything. I would not want to dismantle it as such, but I would like to see the province and its school system move to one system in which all our children can be educated together. That would be my ideal.

I saw in Germany after the war how we went from one educational system, which we would rather forget, into a separate school system where Protestants and Catholics had their own school system. This lasted approximately one decade in the place where I lived and then they reverted to one school system, because it was felt this was better. This would be my question to you.

**Mr. Epp:** I was just looking at page 3 of the brief. I am somewhat at a loss to find some consistency there. You suggest that we should not extend the separate school system to grade 12; that is an extension of two years. We should

not turn the clock back, so to speak. Yet you say here, in the last sentence in the second paragraph, "The previous government under Mr. Miller denied this fact in the throne speech by saying, "We are not proposing to create a new public system.'" You are suggesting that it is a new system altogether, not an extension of two years. Do we have an extension here of two years or do we have a completely new system?

**Mr. Schwantes:** Maybe it is stretching a point, but it is a closed system now. That is what I am saying. You come from kindergarten to grade 13 in one complete system. There is no chance, once you leave grade 10, to be transferred to the public system.

**Mr. Epp:** There is a chance. You have the opportunity.

**Mr. Schwantes:** You have the opportunity, but once you are in a system now, I do not think the children from the Catholic school system will transfer. You have the option to stay within one system, so you have two separate public systems. The separate school system is the one that has the denominational teaching and the denominational bias.

**Mr. Epp:** It will have that particular element, the religious aspect, yes.

**Mr. Schwantes:** That is primarily what it is there for.

**Mr. Epp:** But the system has been there up to grade 10. It is not a new system. It is a continuation of the present system.

**Mr. Schwantes:** It is a continuation of the old system, but it becomes now a complete system. It can become a closed system.

**Mr. Epp:** Not closed, but a complete system.

**Mr. Schwantes:** Why have two systems?

**Mr. Epp:** You know why. You would not want to deny your heritage and the history of Canada which has gone on for almost 140 years. You are not suggesting we deny that, are you?

**Mr. Schwantes:** I am not saying we deny it, but in this modern age and time I feel we have passed this, because it was not to deny them the heritage but to grant them the freedom to teach their own religion and tradition. They were a minority and, as I understand it, a threatened minority. They are no longer a threatened minority.

**Mr. Epp:** You are a Lutheran pastor.

**Mr. Schwantes:** Yes.

**Mr. Epp:** Would you deny your history?

**Mr. Schwantes:** I do not deny it.

**Mr. Epp:** Would you deny the things that you cherished for years and years? Are you saying that suddenly you are going to push aside things that are not terribly relevant to your faith but are still there and you still exercise, and ignore the history of the Lutheran church for 450 to 500 years?

**Mr. Schwantes:** I do not see this. I do not have to. I do not need a separate school system for this, do I?

**Mr. Epp:** I am using an analogy. You are saying we should suddenly deny what has gone on in Ontario for 140 years. We will forget about it and we will write a new page in history because we have new rules and regulations now.

**Mr. Schwantes:** We could have new rules and regulations, but I suggest to you that we could move beyond this.

**Mr. Epp:** I am using an analogy of your church.

**Mr. Schwantes:** I know.

**Mr. Epp:** If people in your church said, "Let us move beyond this and let us forget what has happened in the last 450 years in the church because we have a new day and age now," would you say: "That is great. We will start a new chapter"?

**Mr. Schwantes:** Sir, it may take place because we are in conversation with the Roman Catholic church.

**Mr. Epp:** No, but it is an evolutionary process.

**Mr. Schwantes:** Well, it is. So can we not help this evolutionary process along?

**The Acting Chairman (Mr. Reville):** Gentlemen, you are becoming quite argumentative and I think the answer—

**Mr. Epp:** Not at all. We are just clarifying, analysing the whole situation.

**The Acting Chairman:** Mr. Epp, you are becoming analytical here. I wonder if you could go on to a new form of questioning, or shall we turn it over to another questioner?

**Mr. Epp:** I think I have made the point. Thank you, Mr. Chairman.

**Mr. Allen:** I apologize to you gentlemen that I had to be out of the committee for a few minutes while you were making your presentation. I think we all both live out of our history and shed it at the same time as we go along. It is always a rather neat debate as to what we shed and what we keep, and it is a very complex process. This legislation is in that kind of a context.

May I ask you just a very simple question? You have pointed to the contrast between moving ahead in the sense of consolidating a religious school system on the one hand, while on the other hand, a public system is increasingly secular and caters to a very broad spectrum of religious groups. Would you feel happy with the public system including a series of courses in religious study as a series of options for students? It would not be specifically framed on the denominational basis, but would introduce students to perspectives and comparison of religions and deal with fundamental issues of ethics and alternative ethical systems, so that they could begin thinking systematically about those questions. Would that help meet some of the need and perhaps in some respect balance out what is happening here, in your minds?

**Mr. Horsch:** It would certainly be helpful; however, it would still not take away the basic inequality. We would have comparative religion courses in the public school system, whereas in the separate school system we would have specific Roman Catholic teaching. Is that correct? It would still be unequal. It would be helpful, but it would not make me particularly happy.

Again, I would like to point out that the government, in doing what it is doing now, is transgressing into an area in which it really has no business. You are making decisions on the basis of religion and conscience for other people. You are trying to draw them into one camp or into another. This is perhaps only the side effect of it. You are trying to do justice, but in doing justice sometimes if you overstress the point, you do an injustice. You have to be very careful there.

What I am basically after is that we do not allow the state—and this is what I am very careful about—to interfere in matters of conscience and religion. In granting funding to one group and not to others you are doing this.

**Mr. Allen:** I understand that point. In Ontario we have struck a very interesting and unique kind of compromise in which we have separated church and state, but we have kept a certain kind of association of education and religion. It is sort of a halfway house; it does some good things, but some of its consequences have problems associated with them.

I am glad to hear you suggest that is a helpful alternative. Have the Lutheran churches pressed the government for any such program of studies in secondary schools?

**Mr. Horsch:** Not to my knowledge.

**Mr. Allen:** I know there is an ecumenical study commission coming before us to talk about that next week, but I wondered whether you were involved in that exercise.

**Mr. Horsch:** No.

**Mr. Allen:** Just a final note. It is interesting for us to note that in the Catholic system one of the fairly constant courses in religious instruction that is given is a course in world religions, so there are at least some comparisons and some alternative options there. Indeed, we have discovered that from time to time there are non-Catholics teaching those courses, so that is a very interesting development.

**Mr. Horsch:** I have been visiting Roman Catholic schools.

**3:40 p.m.**

**Mr. Allen:** Have you? Thank you.

**The Acting Chairman:** Do you want to make a final remark?

**Mr. Schwantes:** I have one final remark in regard to tradition, Mr. Epp. I remember in 1976 that Waterloo Lutheran University was angry with the provincial government because it did not receive any more funding. I guess you are well aware religious institutions were not receiving any public funding. Even then you could say: "Well, how about tradition? Why not support the traditions there?"

**Mr. Epp:** Just a point of clarification. They did not receive any money from the provincial government, but they did receive money from the federal government.

**Mr. Schwantes:** Yes, but only for students; not full grants or for new projects. So they had to make it an independent institution.

**Mr. Epp:** In order to get provincial funding, yes.

**Mr. Schwantes:** So there we have the question again of preserving traditions. It was at one time and then suddenly it was taken away. I heard a discussion yesterday on CFRB about the same subject. One gentleman mentioned that the Anglican Church at one time had quite a bit of land. Is that correct? Then through legislation it was taken away from the church and became crown land. So things have changed. Maybe one should do more homework.

**The Acting Chairman:** Gentlemen, thank you for coming before us and sharing your views with the committee.

The next deputation is the North York Board of Education, exhibit number 612. For the benefit of the committee and the recordings of the

proceedings, would you kindly introduce yourselves?

#### NORTH YORK BOARD OF EDUCATION

**Mrs. Waese:** Thank you. I am May Waese. I am chairman of the North York Board of Education. I would like to introduce to you, on my immediate right, the director of education for the North York board, Karl Kinzinger. Mr. Kinzinger and I will be co-presenting this afternoon. On my left is Ed Tossell, who is the assistant superintendent of operations. On my extreme right is Dr. Albert Virgin, director of planning and evaluation. If some questions should arise with which we feel they could help us they are here to assist.

**The Acting Chairman:** Thank you very much. Would you like to take us through your brief?

**Mrs. Waese:** Mr. Chairman and members of the standing committee, the North York Board of Education appreciates the opportunity to appear before the standing committee on social development with respect to the proposed Bill 30. In making this presentation, the North York board wishes to emphasize that the merits and demerits of extended funding for Roman Catholic secondary schools are not being addressed. The North York board supports the position of the Metropolitan Toronto School Board in seeking a determination by the courts on the constitutional validity of the proposed legislation. The validity of the constitutional challenge is best left to the courts and should not be argued here.

It is noted, however, that in 1976 the North York board attempted to integrate into its system the general studies portion of the program conducted in Jewish parochial schools. This attempt was ruled invalid by the Supreme Court of Ontario on the grounds that a publicly funded school board could not designate a school or schools in such a way that only students who wished to pursue Hebrew studies, such as history, religion, culture and language, could attend.

The Ministry of Education was successful in arguing this case on the basis that public funding required access without restriction. It would appear from the proposed legislation that this argument and subsequent ruling are no longer valid and are about to be ignored. The North York board accepted the ruling with an even greater determination to keep its schools open and accessible to all students. The board believes students should be allowed to select their schools on the basis of quality of program alone.

The legal issues of extended funding will not be decided by this board or even this committee. Rather, this board would like to draw the committee's attention to some of the implications of Bill 30 as seen by a large urban school system in Metropolitan Toronto.

The board wishes to present its concerns as they pertain primarily to students and teachers. The question is whether Bill 30 has, as its primary foundation, the improvement of the quality of education for all students. If this is not its primary goal, then the philosophic and ethical underpinnings of the bill must themselves be re-examined.

It is difficult to imagine the Ministry of Education proposing legislation which does not have the improvement of education in Ontario as its primary goal. It is from this vantage point that we wish to examine some of the bill's implications.

The North York board is the fifth largest board of education in the province. Over the last 30 years, it has experienced unprecedented growth and similarly it has experienced unprecedented enrolment decline. It has seen its enrolment peak at 106,000 students in 1972, and has experienced a decline of over 40,000 students. It has closed 37 schools and reduced its professional work force by over 1,000 teachers. We believe we can speak with some authority with respect to population shifts and their impact on student programming and teacher redundancy.

It would appear from the bill that Roman Catholic school boards will be given the opportunity to assume the full responsibilities of a secondary school board of education. Inherent in this is the responsibility to offer the full range of programs to secondary school students at all levels of instruction.

In order to carry out this responsibility, Catholic secondary schools will require extensive upgrading to their facilities in the majority of cases. Few of the Roman Catholic secondary schools in North York have the facilities and specialty areas to offer the full range of technical and business credit courses at all levels of instruction.

Unless a massive influx of capital funding is available, these will continue to be inadequate for the full range of programs. Catholic students who wish to take specialized technical and business options will have to remain in the public school system or enrol in it. This would appear to be discriminatory to Catholic students wishing to take nonacademic credit programs.

One is thus left with a series of questions: Will only academically oriented Catholic students have the opportunity to attend Catholic high schools? Why is it acceptable to differentiate between Catholic students on the basis of academic achievement or course selection? Will not Catholic students unable to attend a Catholic high school because of limited course offerings be denied the same education opportunities as academically oriented Catholic students? Finally, is the purpose of Bill 30 not to provide equality of education opportunity to secondary school students in Ontario?

At the present time, we estimate approximately 8,000 students, or 31 per cent of our secondary school student body, are Roman Catholic. More than 50 per cent of these tend to be concentrated in four of the 20 North York secondary schools. If even 50 per cent of the Roman Catholic students at these four schools choose to attend Roman Catholic high schools over a period of time, only one of the public schools will be in jeopardy of closing. Ironically, it is an academic high school with very limited technical facilities.

**3:50 p.m.**

It would appear that the Metropolitan Separate School Board can expect little or no relief from the North York board with respect to provision of necessary facilities at the secondary school level.

Equally disturbing as the possibility of Catholic students being denied the choice of a full range of options at a Catholic high school is that of public school students being denied a full range of options at a public high school. A number of highly specialized, high-cost programs function with enrolments at the 18 to 22 student level. Courses such as architectural drafting, applied electricity, machine shop, small engine repair, refrigeration and air-conditioning and sheet metal welding fall into this category.

If Catholic students, as potential candidates in these programs, no longer enrol, it is conceivable the courses cannot be offered because the enrolment remaining will not justify the continuation of the program. Should this take place, public school students could be considered to have had their educational opportunities denied. Does Bill 30 really promote the improvement of the quality of education for Ontario's young people? Is this the improvement of education and the enhancement of educational opportunities that Bill 30 purports to promote?

Neither school board will have the requisite number of pupils enrolled to offer some of the highly specialized and sophisticated programs.

Both school systems will be required either to mount excessively expensive per pupil programs or eliminate them from the program of study.

Bill 30 attempts to make provisions for those teachers who become surplus because of enrolment shifts from the public to the separate schools. Specifically, the bill provides for the employment of surplus teachers through a process of designation. Our efforts to have this process clarified by officials of the Ministry of Education suggest that the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario will determine the guidelines and procedures under which this process will occur. One can only marvel at the faith being placed in the commission to develop guidelines that will have some degree of universality throughout the province.

We were unable to receive answers to such questions as: Will there be a specific date by which employees will be designated? Will this date coincide with the legislation as it pertains to a teacher's individual contract? Will specific names require designation or will only numbers of teachers require designation? Will there be an adjustment period to accommodate program shifts late in the summer?

I also have some more questions: Will designation be required on the basis of a pupil-teacher ratio or by specific subject specialty? How will designated surplus employees be differentiated from those made surplus through normal student attrition? Finally, will the prospect of designation apply to elementary teachers as well as secondary teachers?

A third area of concern surrounds the issue of universal access in so far as space and accommodation are available. Again, one can only raise questions regarding this section of the bill. On what basis will available accommodation be determined? Will rated capacities of buildings be one of the determining factors? If so, whose rated capacities—the ministry's or the board's—will be used? Will availability of space by subject section be considered? Will class size be a determining factor? Will portable accommodation be a factor in determining available accommodation? Is there an avenue of appeal to the director's decision regarding available accommodation?

The North York Board of Education has attempted to interpret the proposed legislation in terms of the potential impact on the human side of education; the students who attend a school system and the adults who are employed by a

school system. Our major concern has been to examine the implications of the proposed legislation as it has an impact on students and their programs.

We are not convinced the initial policymakers and the drafters of the legislation recognize the implications of Bill 30 on students; therefore, we respectfully submit that the bill be withdrawn.

We re-emphasize that if the intention is to improve the quality of secondary school education and to promote equality of opportunity and access to secondary school education, the bill falls far short.

**The Acting Chairman:** Thank you, Mrs. Waise. I am sure the committee is grateful for the brevity of your presentation and is also impressed with the weight of the paper on which it is printed. Do we have questions?

**Mr. Davis:** First of all, I would like to thank Mrs. Waise and her colleagues from the North York board for an excellent presentation. It is one of the shortest I have seen from the North York board. I bet you have all the documents at home and you are just waiting for me to ask for them. I have just a couple of very brief questions.

In respect to the extension of funding, and I know you are going to tell me you cannot tell me anything until September 30, have you seen anything so far in your enrolment projections of September 1 to indicate there has been a shift of population?

**Mr. Kinzinger:** It has been nothing more than we anticipated. It is going to be very close to our projections.

**Mr. Davis:** You projected that some of the students would move over?

**Mr. Kinzinger:** Yes.

**Mr. Davis:** Roman Catholic students?

**Mr. Kinzinger:** Yes.

**Mr. Davis:** Could you tell me how many?

**Mr. Kinzinger:** It is 300.

**Mr. Davis:** Do you think you are going to see about 300?

**Mr. Kinzinger:** That is about right.

**Mr. Davis:** What is that, 10 or 20 teachers?

**Mr. Kinzinger:** It is 15.

**Mr. Davis:** Fifteen teachers. The coterminous separate board, since you do not have an agreement with them, has not hired any teachers from you, I guess.

**Mr. Kinzinger:** Not that we are directly involved with in terms of an agreement, no.

**Mr. Davis:** Where are the teachers who have been declared redundant to your system because of that shift? Are they in your surplus pools?

**Mr. Kinzinger:** That is correct.

**Mr. Davis:** One of your concerns is how to designate and differentiate those two?

**Mr. Kinzinger:** That is correct.

**Mr. Davis:** Of the number of schools you have closed, the 37, how many of those are secondary?

**Mr. Kinzinger:** None.

**Mr. Davis:** Do you anticipate closing any secondary schools?

**Mr. Kinzinger:** No.

**Mrs. Waese:** Not in the foreseeable future. We are certainly examining them at the moment and we have criteria for numbers when we start looking at it.

**Mr. Davis:** What is your trigger figure for a review of a secondary school?

**Mr. Kinzinger:** It is 600 academic students.

**Mr. Davis:** Six hundred academic; what about technical?

**Mr. Kinzinger:** It is 800.

**Mr. Davis:** I assume that when you go to close a secondary school you do what many jurisdictions do, and that is to review not just the geographical area but the whole impact it will have across your system and city-wide.

Your brief indicates you would not be considering closing any of your technical programs. My logical question is: have the Ontario Schools, Intermediate and Senior Divisions curriculum guidelines affected your technical registrations?

**Mr. Kinzinger:** To some extent, yes. There are fewer students choosing the wide ranges of technical options than might have in previous years, but interestingly enough, we are seeing a slight resurgence this year in the grade 10 level.

**Mr. Davis:** How many technical teachers did you declare redundant in your system last spring?

**Mr. Kinzinger:** I am sorry, I do not have that figure.

**4 p.m.**

**Mr. Davis:** One of the questions I have been asking and I would like to ask you is: you have asked about the transfer of designated teachers and one of the issues we will be wrestling with as a committee is the process of volunteers, where a teacher in the secondary panel will volunteer to go across into the separate school coterminous panel.

What happens and who decides, for example, if you have more volunteers than there are positions in the coterminous separate school board? In your opinion, should that decision as to who volunteers and is placed on the designated list reside with the public board which is sending the teachers across, understanding they have specific program needs they may want to fill out of that group of people who are volunteering, because you would know who they are, and then the separate school board can take those who still will not meet the specific needs of the public education system; or should all 20 who apply go across and be interviewed by the separate school board, and that board in turn can select those it wishes to employ and send the rest back to you?

**Mr. Kinzinger:** Would you like me to answer that? In my opinion, I hope it never comes to that, with all respect, Mr. Davis. That is the kind of thing that will start internal conflict and internal competition the teaching profession sure does not need and the coterminous boards sure do not need. I hope there can be other ways of looking at it. One of the ways that starts to make some sense, if we ever get to that point, is the slip-year concept. I do not think we can possibly do that in the current year at any given time. We are always going to be a year out.

**Mr. Davis:** That still does not prevent more people volunteering and going across than there are positions for them.

**Mr. Kinzinger:** It may not.

**Mr. Offer:** Throughout your brief you talked about the problem of providing a technical education and what not. Can you tell me the prospects with respect to the sharing of facilities within the board between the two coterminous boards? Has there been any discussion of that; and if so, how has that discussion proceeded?

**Mr. Kinzinger:** No, there has not been any discussion of that. Presumably you mean two distinct operations within the same building. Our only experience with that is at the elementary level. We share three buildings with the Metropolitan Separate School Board. It depends on the people who work in those buildings whether it is a success. It is directly related to the people in the building, regardless of which board they happen to work for, and how dedicated they are to making it work.

**Mr. Offer:** Is it a success in the building you now have?

**Mr. Kinzinger:** It depends on who you are talking to.

**Mr. Offer:** To you.

**Mr. Kinzinger:** It is more of a success than it is a failure.

**Mrs. Waese:** If I might add to that: in the elementary school where we share facilities there are two distinct schools that we identify and separate. They do not use the same halls, they do not use the same entrances and they cannot even enter each other's end of the school. They have different names and are really two distinct schools that operate under one roof.

As Karl indicated to you, we have to work very diligently at a co-operative mode. The name of the game for the students is saying, "My school is better than your school and my teacher is better than yours and we do better things than you do." We have to work at that. It is a problem we have to address.

**Mr. Offer:** With respect to that form of co-operation, is there any board, informal or otherwise, that carries on this form of co-operation between the two boards? What is the structure?

**Mr. Kinzinger:** The structure works out at the professional level between the superintendents of those schools, the principals and the teachers. They make the necessary accommodations for one another so both schools can register some success in what they are attempting to do. There is no structure at the political level.

**Mr. Offer:** I imagine this co-operation, based on whatever the immediate concern may be, is an ongoing type of co-operation.

**Mr. Kinzinger:** That is correct.

**Mr. Offer:** What discussions have you had with your coterminous board about this bill?

**Mr. Kinzinger:** None.

**Mrs. Waese:** That is by direction of the board.

**Mr. Offer:** What discussions do you have planned?

**Mr. Kinzinger:** I cannot anticipate that.

**Mr. Offer:** Do you have any plans in the future to sit down with the coterminous board to discuss the various impacts that might be felt by either board? I am referring back to this form of co-operation.

**Mr. Kinzinger:** Again, it is done at an unofficial, professional level. Our colleagues in the Metropolitan Separate School Board share information with us and we do the same with them. However, as for sitting down in any formal structure, discussing and negotiating, we have not done that and do not anticipate doing so until the board determines it is appropriate.

**Mr. Allen:** It is a pleasure to see Mrs. Waese and her colleagues again.

I have a few short questions. Following up one of Mr. Davis's queries, you responded concerning the 15 teachers and whether any of them had been hired by saying somewhat indirectly that none had been hired by arrangement between the two boards. Did that imply you are aware some hiring has taken place but not by arrangement and, if so, how many were accommodated that way?

**Mr. Kinzinger:** We understand 12 teachers were hired.

**Mr. Allen:** Was that by means of any advertising that took place in your system, sponsored by the separate board?

**Mr. Kinzinger:** I do not believe there was any official advertising within the system.

**Mr. Allen:** You did not do any posting; there were no formalities of that kind?

**Mr. Kinzinger:** No.

**Mr. Allen:** However, 12 were taken up.

When you gave us the figures of a student loss of 40,000, the closing of 37 schools and the loss of about 1,000 teachers in slightly more than a decade, were those all in the secondary system?

**Mr. Kinzinger:** No. They were elementary and secondary.

**Mr. Allen:** Do you have statistics for the numbers of students lost and schools closed at the secondary level?

**Mr. Kinzinger:** There have been no schools closed at the secondary level yet. The loss figures since 1976—

**Dr. Virgin:** We are up to about 45,000 lost. More than 40,000 of that is junior kindergarten to grade 8. The remainder would be at the secondary level.

**Mr. Kinzinger:** Another way of saying it is that better than 90 per cent of the decline we anticipated has already taken place at the elementary level. However, only 30 per cent of our decline has taken place at the secondary level.

**Mr. Allen:** So are the demographics of North York such that you are behind some other areas in terms of the baby boom wave moving through your secondary system?

**Mr. Kinzinger:** It is moving through now.

**Mr. Allen:** Do you anticipate the same ratio of loss, broadly speaking?

**Mr. Kinzinger:** Yes. There will be some internal differences, but broadly speaking that would be so.

**Mrs. Waese:** If I might add a little to that, the director has initiated, with the secondary schools in particular, identifying the needs within the North York community.

A lot of our adults who left school without having achieved secondary school diplomas are re-entering the system. We are accommodating them. We have a school, Bathurst Heights Secondary School, that at one time I thought would have been closed by now. It is bursting at the seams now and has an adult education program with ancillary local elementary schools picking up some of the adults and programs.

We are trying to do a lot for our young people who dropped out, and we have come up with some creative means of having them re-enter our schools on a nine-week credit program so that people who cannot commit themselves to a long haul can do a short-term segment. A major thrust of our board is in co-operative education programs in the work setting. We try to accommodate our young people in terms of credits so they can look to a job in the future if they come back.

Those are the kinds of thrusts we think will pad or soften the continuing shock of what we have experienced at the elementary level, which we hope will not be as drastic as they move through the secondary school system.

**4:10 p.m.**

**Mr. Allen:** I know you have been quite innovative in many of the programs you have developed for some of those purposes. I must say I admire them and the energy that has gone into them.

With reference to the adult education component, the adults who are returning, are they in the full-time secondary program? Are they counted in the numbers you are talking about when you give me the maintenance figures in the secondary program at this point?

**Mrs. Waese:** I will ask Albert to be specific.

**Dr. Virgin:** Yes, they are.

**Mr. Allen:** They are counted in there?

**Dr. Virgin:** As full-time equivalents.

**Mr. Allen:** So they are in those numbers; and that does pad the losses, if you like. The percentage is higher than I had gathered earlier in terms of the loss of that age group by the system.

**Mrs. Waese:** Yes.

**Mr. Allen:** I note that when you move to this whole question of whether or not the separate school system will offer full programming, you posit two alternatives. One is that you have the full program; you have the facilities, the texts,

the business programs and what have you. The ministry clearly has been saying to us, "We are going to spend as little money as we can in expanding shops, in providing new capital facilities for the separate system; or for anywhere else for that matter." That obviously will be a variable factor depending on location.

On the other side, you conclude from this that there will be a separate system in North York that does not have much in the way of facilities. What is your own space situation vis-à-vis those special programs in the tech field, in the business programs and in certain other specialized programs? Is there capacity for the sharing of those through purchase of service by the separate board, or are you so full that this is not an option? Is that what you are saying to us on page 3?

**Mr. Kinzinger:** There are a number of answers that have to be worked with to deal with that question. For instance, we do not anticipate that any of our composite schools will be at the triggering point for examination before 1990. They will all have more than 1,000 students in terms of student body enrolment. In addition, a number of these composite schools currently have portable accommodation; what we will do in effect will be to bring the youngsters back into the building and start making use of the seminar rooms that were originally designed to be tutorial rooms and so on.

The whole issue of purchasing education at the coterminous public school is really the issue we raised, in that for a Catholic youngster to get a technical education if those facilities do not exist at the Catholic school the youngster has to attend a public school. That seems to us to fly in the face of the legislation, as it appears to be suggested that youngsters who wish a Catholic education should have it in a Catholic milieu. If it is purchased from a public school board in a public school it will not be in a Catholic milieu. Even to consider that it could be a quasi-Catholic milieu in a shared building with two distinct staffs, two distinct sets of doors and two distinct sets of timetables is just clouding the issue, as far as we are concerned.

**Mr. Allen:** Obviously there are people who want to be really pure about it, but I am not sure it is our job to be that pure. However, given some of the technical enrolment declines—and I note you said there was a resurgence in the grade 10 level, which in itself pleases me—are any of your composite schools able at this time to provide space in any significant quantity that could be accessed by the separate board in your jurisdiction?

**Mr. Kinzinger:** At this time?

**Mr. Allen:** Yes.

**Mr. Kinzinger:** I would have to say no.

**Mr. Allen:** I see. There is no single school. What you are telling us is you are still putting kids in the portables out in the schoolyard; so you are going back on a deficit of capital funding, in effect, that the ministry did not provide you with and might have.

I have covered all my questions of a specific nature relating to Bill 30, but I wonder whether you could tell us a little more about the experience with the Hebrew school, the negotiation around that, and why it was impossible to negotiate a situation in which there was not such a rigorous demand that the school house only Jewish students. Was that demand from the Jewish board, or was it something the ministry insisted upon by virtue of some technicality relating to religious instruction and when it could take place? What were the circumstances?

**Mrs. Waese:** First, since I came on the board after the issue was a part of the North York system—I was not on it then—I will ask Mr. Kinzinger to add the fine details to it. However, my understanding was that it was a co-operative venture that both the Board of Jewish Education and the North York Board of Education tried to work out.

The idea was that the Board of Jewish Education was underfinanced, found itself in difficulty and was looking for options and alternatives to try to continue to deliver education, as it saw it, for its young people. The North York board was willing to try to work out a process where they would come under the umbrella of the North York board and be what we would consider an alternative system or alternative program within the North York board.

The major stumbling block to final acceptance of the program was that at that time the Board of Jewish Education felt it could not accept the concept of universality of access of students. Their feeling was that it would water down their program and that they had to continue to preserve the identity of students. They could not accept, which we do accept in the North York system, exemption from religious education.

That is my understanding; probably Mr. Kinzinger can fill in the details.

**Mr. Kinzinger:** Essentially, that is exactly the way it worked. We thought the negotiations between the North York board and the Associated Hebrew Schools were moving along very satisfactorily and successfully.

To accommodate all the various differences and points of view that existed, it was determined that two schools would be designated. Those schools would run identical programs, with the exception that school A would offer the Hebraic slant whereas the other school would offer the other options and students would choose either one of those. By virtue of choosing school A the youngsters would choose the Hebraic studies, and by virtue of choosing school B they would not choose those.

We thought it was a workable solution, but it was determined by other agencies that it was not to be.

**Mr. Allen:** So the exemption factor was the critical element, was it? The exemption problem was with the Jewish board side?

**Mr. Kinzinger:** No. The argument was that any student in any North York school, or within the North York jurisdiction, should have the choice of either school A or school B. We were structuring it in such a way that only those youngsters who truly wanted to pursue Hebraic studies would have chosen the example I used, school A.

**Mr. Allen:** Okay. That helps with the mechanics. I am not quite sure I understand the conclusion drawn here that somehow or other universality was precluded by that kind of arrangement.

**Mrs. Waese:** That was the Supreme Court's ruling.

**Mr. Allen:** That was the Supreme Court's conclusion? Interesting. Are you still open to that kind of arrangement?

**Mrs. Waese:** We are open, I believe. It is a new board, and I should not say "we." How about "I"? I know the board would consider it.

4:20 p.m.

**The Vice-Chairman:** I want to apologize for missing most of your presentation, but I had to attend to some business in my office. Life goes on despite Bill 30. On behalf of the committee, I thank you for coming forward.

The next presentation is by the St. John the Evangelist Separate School Parent-Teacher Association. It is exhibit 614.

#### ST. JOHN THE EVANGELIST SEPARATE SCHOOL PARENT-TEACHER ASSOCIATION

**Mrs. Jackson:** I would like to point out that I am here as a Catholic parent, not necessarily as a representative of the PTA. We have not yet held our first meeting this year. I would like to

acknowledge the enormous task you have before you. I will try not to add too greatly to it.

As Catholic parents, we have the responsibility to lead happy lives and to live up to our potential, to look after our physical needs and to develop our minds in such a way that will lead us to save our souls. We also have an obligation to teach the children that God gives us moral and spiritual values that will lead them to their salvation.

A new-born child is totally dependent on us for every need: feedings every four hours, diaper changes and uninterrupted sleep—for them. We must supply our child with all the things necessary for his healthy growth. We give the child safety and security, and he becomes confident and learns to have faith.

As parents, we are the parties responsible for our children from conception to maturity. Under our supervision, they acquire their general knowledge, develop their powers of reasoning and learn to make judgements. As this infant grows physically, the spiritual life begins. Soon after the birth of a child, he is baptized at church and becomes a living member of Christ's body. During infancy and early childhood, the two factors of home and church influence the child, and as he grows we enlist the aid of professional teachers as specialized instruction becomes necessary.

We entrust our children to our school system to continue the formation of their intellect, integrity and incorporeal life along and parallel to our philosophy. Our teachers become the extension of the home in imparting knowledge and in the enormous task of preparing the child's malleable mind for adulthood. The school becomes a third influence on the child.

The child continues this spiritual development by receiving the sacraments of reconciliation, holy communion and confirmation in church. The church is responsible for the spiritual guidance and looks to the school for help and assistance in this important area. The church sets up the content of the religious program.

As the maturing process continues, the child becomes aware of the parents' concern with money and hears words such as "taxes" being used. Here we have a fourth influence on our child, the government; it collects taxes, sets guidelines for the various courses of study and even distributes some of these funds for education.

The Catholic education of our children evolves into a partnership of home, church, school and government, ideally working together with a

spirit of co-operation for the common goal: the enrichment and development of our children into self-reliant and sound, just adults. This is a partnership that exists and is well established in Ontario today.

As I understand it, the school has the obligation to follow the guidelines for the curriculum of the provincial government's Ministry of Education, while the locally elected school boards operate the schools.

The Education Act permits Catholics who are owners or tenants of property to direct the education portion of their property taxes to the separate school board at their option. At the present time, I pay approximately the same amount of property taxes as my non-Catholic neighbour. This neighbour receives an education for his children paid fully by the government from kindergarten to grade 13. At the same time, I receive an education for my children paid for by the government from kindergarten to grade 10. If we pay equal taxes, can we not naturally expect to receive approximately equal benefits for these taxes? If this is to be a fair and equitable partnership, then funding should be extended to separate schools up to grade 13.

The main concern of Catholic parents with the proposal before you is the preservation of our unique and distinct character. We believe this uniqueness is basic to our main goal of life. We want our schools to maintain our values. We do not want these values eroded. Our school board should have the actual decision-making power to decide on staff members within our system. They should be able to select the persons they believe will uphold Catholic values. We want teachers in our system who actively promote our way of life. Thank you for listening.

**The Vice-Chairman:** Are there questions from the committee? Perhaps I might just ask you one. You had the opportunity to look at Bill 30 and you have expressed your desire as to what the end goal for it should be. Does this bill meet your expectations? Are you concerned about any particular aspect, the designated teachers and the ability—

**Mrs. Jackson:** Yes, that is the one point especially that the parents I have discussed the matter with feel very adamant on. The teachers in our system do not necessarily have to be Catholic; let me point that out. It is not that we feel we cannot comfortably have non-Catholic teachers within our system. We already do have non-Catholics and we do not feel threatened by the increased percentage of teachers. That is not a problem at all.

The problem we are facing is the actual—I know “creed” and “lifestyle” have been thrown around here quite a bit—practice of that teacher in the classroom. We are very concerned with that because the moral values being imparted to the students are crucial. The teacher not only must not negatively impart the knowledge, but—and that is why I put the word “active” in there—his lack of action can imply a tremendous amount too. We want to make sure the teachers in our system have our same basic philosophies of life. The teacher does not necessarily have to be a Catholic for that purpose.

**The Vice-Chairman:** You are basically saying there will be no problem if a teacher coming to your system from the public school system follows the policy of the board. Obviously, that would include the philosophy of education in the system. If that is the case, the parents you have talked to and the parent-teacher association at your school will not have any problem.

**Mrs. Jackson:** No, none whatsoever.

**Mr. Davis:** As Bill 30 was first written, those teachers who were designated because of the shift of enrolment would simply be transferred across if they met the educational qualifications of the separate school. Then a whole issue developed out of that. It was stated that perhaps it would be beneficial to both the teacher and the separate school system to seek volunteers out of the public system. Now there is another step. Not only do they want to seek volunteers, but they would like to interview and screen those coming across. I do not want to use “screen,” but that is almost what it is like. They would like to screen those who are coming across to see if they fit the model and the ethos, never mind the academic qualifications.

**4:30 p.m.**

You say you have no problems if the teachers coming across do not exercise within the classroom their own personal feeling. How would you as a parent feel if the person coming across had been divorced and married outside the church and was coming in to teach your child?

**Mrs. Jackson:** That is the exact point we are making. You are referring to a Catholic teacher now being divorced.

**Mr. Davis:** I am referring to a teacher who is divorced, who now wants to come back in and teach and is an excellent teacher.

**Mrs. Jackson:** Again, I have problems reconciling myself to that. I just want to back up. Is the teacher divorced and remarried?

**Mr. Davis:** Divorced and remarried.

**Mrs. Jackson:** I have problems accepting that.

**Mr. Davis:** Thank you, Mr. Chairman.

**The Vice-Chairman:** One of the problems I have with this—and you are not the first parent or delegation to come before us and express the same type of concern—is that I cannot reconcile in my own mind how a school system which I believe very strongly does have a unique mission and nature, especially in the whole area of values, equality and so forth, about which many, many people have talked to this committee, can at the same time say that if a teacher in the public school system loses his job as a result of extension of funding there is fairness in that to those individuals. What are we then saying to our students about fairness? Fairness is a basic value I hope the majority of the people in the province share.

**Mrs. Jackson:** That is a very valid concern. I put it to you that we would feel very guilty if, as a result of funding, good teachers lost their jobs. I am sure the boards in their wisdom, knowledge and so on will be quite able to pick up the slack and can perhaps use these particular teachers in positions such as research. Perhaps they could use them in some sort of endeavour where they did not come in direct contact with the student. I am sure there is a need for resource people of this nature.

**The Vice-Chairman:** Now we could get into a long debate about whether that is why teachers went into the profession and whether they would be able to fulfil themselves. You can see the delicate balancing act we have to play as a committee to be fair, not only to the Catholic community but also to the people who are in the public school system.

**Mrs. Jackson:** Is the public school board prepared to hire the Catholic teachers who are losing their jobs because of funding? If there is a big shift of Catholic population to the public schools, are the public boards prepared to take any and all of these teachers?

**The Vice-Chairman:** I do not know that that is one of the implications of extension of funding through Bill 30. We have not had evidence that would indicate there will be a shift the other way around.

Are there other questions from the committee?

You obviously understand how difficult it is for our committee. We are trying to do our best to meet the needs of your concerns and the concerns of others as well. We hope the end result will be a

bill you and a lot of other people will be happy with. Thank you very much.

**Mrs. Jackson:** Thank you very much.

**The Vice-Chairman:** The next presentation is from Mr. Michael McGarry. This is exhibit 594. Welcome to the committee and proceed at your convenience.

MICHAEL MCGARRY

**Mr. McGarry:** Can you hear all right?

**The Vice-Chairman:** Yes.

**Mr. McGarry:** My name is Michael McGarry and I am a separate school supporter. I was elated when on June 14, 1984, former Premier William Davis made his statement in the Legislature announcing full funding for separate schools.

I read the text of his statement very carefully and thought it revealed a deep and penetrating insight into the aspirations of separate school supporters. He endeavoured to fulfil those aspirations without jeopardizing or reducing funding for the public school system.

I have also reflected on the reason I am a separate school supporter and what brought me to be one in the first place. I was born in a Roman Catholic family and membership in the family encompassed my physical needs, food, clothing, a place to sleep and shelter from the elements as well as my social needs, friendship, a sense of belonging and love and affection.

When I reached school age, I went with my older brother and sister to the Catholic school. In that town, Presbyterians, Anglicans and Catholics all had their own state-supported schools. I received a good education at that school and, on leaving it at age 14, secured my leaving certificate, passing the state-regulated examination with honours in two subjects, algebra and geometry. I had no regrets about attending the Catholic school.

In turn, I enrolled my four children, now aged 31, 29, 26 and 15, at Toronto separate schools and found the schools to have good academic standards. I especially liked the standards laid down in secondary schools with respect to appearance. The insistence that a school uniform be worn also places a necessary control on the way the students dress. It also makes each one similarly presentable.

Far from suppressing inquiring and eager minds, I believe a religious influence exalts higher aspirations and personal goals. I consider it very important to exemplify and encourage Christian thought and values such as those practised by Mother Teresa. None of my children, with the exception of the youngest,

continued after grade 10 in the separate school system. The nucleus of a group would form with respect to the public school option, and it was always enhanced by the fact that it was co-educational and there was no fee to pay.

To answer the question of whether it is fair to switch the student from one system to another at grade 10, I would say no. To best explain why, let me say that my daughter, who is in grade 11 this year, has previously attended classes with four of the eight teachers she will have in grade 11. Switching would involve her with eight new teachers. Socially, she is comfortably established in grade 11 with her own social group in the student body. This group receives confidence and support from each other. Switching would require that she make new friends and join new social groups of students with whom she has less in common.

While the separate school system has agreed to employ any public school teachers who are qualified and become redundant by the completion of funding, we still realize there would be a measure of inconvenience for the teachers affected. We are also aware, however, that the inconvenience that caused these teachers to switch from one system to another once does not equate with the inconvenience caused a large proportion of the separate school students in the province who have to switch every year. In other words, the number of teachers affected in the public school system by the introduction of full funding is microscopic in comparison to the number of students who will not have to switch over the course of the next 10 years. The ratio gets larger every year.

To address the question of the additional cost of funding grades 11, 12 and 13, we would like to

make this comment. Traditionally, the separate school system has been a frugal system wherein the optimum value of every tax dollar has been obtained. To give an example, in 1983 the Metropolitan Separate School Board received \$832 less per student in taxes and grants than the public school boards of education in Toronto. If we may project this figure over 100,000 students, the amount saved becomes \$83,200,000 in one year. If we would project that figure over 10 years, the amount saved totals \$832 million. The question becomes, in good faith, not whether we can afford the separate school system but whether we can afford to be without it.

**Mr. Allen:** I did find the statistics at the end of the submission, which I had not really seen worked out in total dollar terms, rather graphic. I would like to tell Mr. McGarry that we have had a fair number of student groups come before us from separate secondary schools who have made pretty eloquently the point you make at the bottom of page 2 about the problem of shifting from one school to another in the critical mid-years of their teens. We found their arguments quite persuasive. It is a dramatic turn for them and it does affect them emotionally. It breaks up patterns, habits, school progress in clubs and associations and all sorts of things. It is a very good point.

**The Vice-Chairman:** Are there any other comments from the committee? If not, thank you very much for coming before us this afternoon.

That is the last presentation for the afternoon. We will resume this evening at 7:30 p.m. sharp.

The committee recessed at 4:41 p.m.

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No. S-36

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Tuesday, September 10, 1985  
Evening Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)  
Allen, R. (Hamilton West NDP)  
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Clerk: Mellor, L.  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Tuesday, September 10, 1985**

The committee resumed at 7:34 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

**The Vice-Chairman:** Now that we have a quorum, we can get started. The first presentation this evening is from Mr. W. G. Reeves. Welcome to the committee.

W. G. REEVES

**Mr. Reeves:** Did you get a copy of the revised brief I brought in today?

**The Vice-Chairman:** Yes.

**Mr. Reeves:** I am basically going to read that through with some additional comments—minor additions, I may add.

I am a little nervous here.

**The Vice-Chairman:** Do not be nervous. We may break in though, because Rogers has promised it is going to update us occasionally on the score of the baseball game. That is how informal we are here.

**Mr. Reeves:** Thank you.

I come here tonight as an individual to make a presentation to you gentlemen. I dropped in earlier today to see the format, to case the place. I did not bring an entourage with me as the nature of my presentation is as an individual. However, I have consulted with other parents, both public and separate school supporters, on the content of my presentation.

I understand you have received a copy of my earlier letter written for your attention, but it was not intended for general exhibition. It was jotted off briefly to Lynn Mellor to inform you of my intent in regard to this issue and I am pleased to have the opportunity to expand upon this. I do not expect to take up much time or interfere with anybody's schedule for ball. You may have noted a tone of anger and frustration in this earlier letter, feelings I still carry with me today. I expect at one time or another you have all experienced similar feelings in regard to public issues. Some of these feelings may have motivated you in your particular political persuasion.

I do not expect anything I may say to you today will be particularly new or informative and this in part reflects the political cynicism recently

referred to by the Premier (Mr. Peterson). I believe his recent quote in Hamilton last week is worth repeating, in case any of you missed it. He is quoted as saying: "Politicians must display less worry about the political price of good government and more concern about its practical value. Getting elected is a politician's first task, but it must not also be his last. There is a great deal to do in between."

The former Progressive Conservative government and this new government are to be commended for introducing the implementation of full funding for separate high schools. It should be recognized that I am biased toward endorsing this move as I am a separate school supporter. You may note I come before this committee as an individual, but I sincerely believe my beliefs are shared by other members of our community. I have noted the publicity given to the various interest groups and stakeholders on this issue, particularly the larger, wealthier organizations who appear to make the same or at least similar presentations under the guise of each local chapter. I have also noted a decided lack of content in regard to actual implementation but more often direct opposition to further funding whatsoever.

In the past, the Catholic or separate school boards have demonstrated a sincere commitment to civil rights, an issue I hear and see repeatedly referred to in this committee. I believe this commitment shall continue, and concerns in this regard are overblown. However, the basic philosophy of a sectarian Catholic system is precisely why we as parents choose it for our children and any conditions that may compromise our Catholic beliefs are not acceptable. Our schools have always been open to non-Catholics where there is space and non-Catholics have been employed in a wide range of teaching and support duties, but to expect any employer to hire someone who is diametrically opposed to its mission and goals is irresponsible.

For example, to recruit a known pro-choice advocate would be unacceptable as would be the hiring of any individual with a publicized aberrant sexual lifestyle. In other words, gentlemen, if the anterior condition is too high, I and others are prepared to continue to support our

children as in the past. We can get along without the money.

In my letter I listed four points specifically of concern and I will go over these again.

All the parties that you represent have endorsed the concept of extended funding for separate schools. It is time you, our elected representatives, took responsibility for implementation in consultation with your counsel. To my knowledge, from what I glean from newspapers and television, these committee hearings have not revealed any magic solutions nor do I believe they were expected to, but however honourable your intentions in this matter, they have served to divide communities and reopen the old wounds of religious intolerance. I do not look for this type of divisive action from government. In Hamilton-Wentworth, the dialogue between boards on rationalizing facilities has gone nowhere for over a year now towards satisfying the needs of the boards or the students. You as the elected government have been given the mandate to legislate this implementation so I believe it is high time all parties got off the fence and got to work on the issue. There will be some running-in problems and that is to be expected with almost any legislation.

**7:40 p.m.**

The second point I wish to focus on is the inordinate amount of attention, and I hope it is only attention and not credence, given to the repeated representations from the Ontario Secondary School Teachers' Federation. Just as the primary mission of politicians is getting elected, the primary job of the union is survival and then jobs for its members. Teachers are aware of declining enrolments and the implications this has for their jobs and they are correct in concerning themselves with any perceived threat to their jobs. I can understand that. However, I expect the figures for this year will not reveal the massive shifts predicted in enrolment and I expect the former government and some of you gentlemen are aware of polls that indicate this.

I have personally consulted Catholic parents of varying socioeconomic backgrounds and found the money issue or the fees charged to be a low priority in the selection of a secondary school education. Program selection and quality of education seem to rate much higher.

In regard to the potential costly duplication of programs, my own parsimonious attitude would say that some rationalization of some of the expensive composite programs, with reasonable leasing or contracting of services on a per capita basis between boards, is desirable.

In the matter of exercising reasonable security for jobs, and I believe I spoke to this issue previously, there is room for accommodating most teachers within the parameters of our Catholic philosophy. It would not be anyone's intention to arbitrarily rule out qualified acceptable personnel.

With declining enrolments, it is impossible to guarantee all the jobs and I, as a taxpayer, resent all the renegotiated and reduced teacher-pupil ratios when there is little evidence that this results in an improved quality of education. We are all aware of the publicity given to high school graduates who have difficulty reading, writing and spelling. In my capacity as a nursing supervisor, I can attest that I see community college graduates who lack the same skills and who somehow have made it out into the work force from community college.

As I look at this committee today, I must wonder why I am here because I find myself in the hypocritical position of addressing you gentlemen when I see and believe there is no use for this type of committee. It in no way resembles a representative sample of the population, and I wonder at the expense of this. I expect by the time any report is in it will have cost us, the taxpayers, directly or indirectly—because of the enormous expense of the various presentations and personnel who attend these meetings—another million or two to find out information that we already knew.

I challenge you, this committee, to expedite the process of implementation and avoid further delays which split our communities, deprive our children, parents and teachers of opportunities to plan meaningfully for their future, and do little to enhance the credibility of our government. This, gentlemen, is what I sincerely believe. If you have any questions, I will try to answer them.

**The Vice-Chairman:** Thank you very much. As you know, we have had several briefs over the last number of weeks, but this is the first brief to take this approach to the committee. I would point out to you, in regard to your first page, that we have heard a fair amount of new information during these committee hearings, specifically on sections of the bill that need to be amended if this bill is to work.

As one member of this committee who came into this process probably rather naïve about the difficulty associated with the extension of funding, I have come to appreciate the complexities of it and to appreciate the committee process for finding out how we can improve the legislation to make it more workable, not only to

benefit the Catholic community and the Catholic students, but also to facilitate protection for employees who will be disrupted because of the extension of funding.

I think it has been a very useful process. I might point out that in most of the communities we have been in so far, I have been amazed at the number of people who have come up to me—and I assume other committee members as well—and said that this process has actually helped them in understanding this bill and the complexities of extension. In some cases people who were diametrically opposed to the extension of funding now understand the historical reason that we have two publicly funded school systems. It has been very helpful, not in splitting, but I think perhaps in some cases in healing, some potential wounds that might exist over this difficult and sensitive issue. I certainly think it has been a useful exercise.

Are there questions from committee members?

**Mr. Allen:** I want to thank Mr. Reeves for his support of the initiative if not the process. Yours is a different criticism from those we sometimes get.

I just wonder, reflecting on the concern you have at that level, whether having elected representatives who are obviously nonspecialists in the education system, as a group in the Legislature, going through a process of trying to understand the interfacing of an initiative such as this with the entire education system, which is virtually what it entails, is likely to be not only useful but perhaps also costly and therefore a legitimate expense?

Also, is not the alternative simply to say: "We will just give it all to the experts in the ministry, who are not accountable electorally to anybody, and just let them do it?" Does not the process make sense to you as part of a legitimate, democratic, electoral, parliamentary process?

**Mr. Reeves:** I think the public forum is legitimate but I do not think it is representative of the general population. I have seen and read about the number of briefs from secondary schools teachers' federations and various school boards around the province, a little from the visible minorities and very little from the poor who, of course, are not organized and are more intimidated than I am by a setting such as this.

**Mr. Allen:** Is it your assumption the process we go through is adding up all the briefs we get and then doing a mathematical kind of sum and that is the end of the process?

**Mr. Reeves:** No.

**Mr. Allen:** I would have felt there is something more subtle going on, evaluating all these things from the very perspective you are suggesting, and that we analyse from that point of view.

**Mr. Reeves:** No, I do not think it is sort of a vote taken at the end, based on the number of submissions. I would hope not.

**Mr. Allen:** I certainly think that is not how we function. If that is one of your worries, I think you can rest easily secure that we have a sense also of whether the submissions we are hearing are representative, on balance, and where the missing gaps are. We try to find ways of filling in those. It does not always happen only in this process and in the series of submissions that are made to us. I just wanted to get some response on those points.

**Mr. Jackson:** Mr. Reeves, you are aware that during the election all three political parties supported this process in which we find ourselves. You make some references to that period. All three political parties agreed there would be some mechanism for public hearings, debate and discussion through this committee.

**Mr. Reeves:** I was not aware of the extent.

**Mr. Jackson:** However, there was variance on the issue of a referral to the courts for a ruling on the constitutional validity of funding. Were you aware of that?

**Mr. Reeves:** I understand it is going to end up there sooner or later.

**Mr. Jackson:** Were you aware all three political parties did not agree on that issue during the election?

**Mr. Reeves:** No, I was not.

**Mr. Jackson:** You make a fairly strong point in your last paragraph, challenging us to expedite this process. I wonder what your views are on the fact the government referred this matter and joined those parties which were seeking a ruling from the courts.

**Mr. Reeves:** I am sorry, I did not understand that. Am I aware—

**Mr. Jackson:** —that part of the presentation of Bill 30 was to seek an answer from the courts? You talk in terms of delay.

**Mr. Reeves:** No.

**Mr. Jackson:** Are the evidences of delay to which you refer limited solely to the activities of this committee?

**Mr. Reeves:** Yes.

7:50 p.m.

**Mr. Jackson:** Finally, can I ask you, what have we delayed if the students have transferred and the minister has assured that there are grants? The minister did announce last week in London—and we were present—that the assessment will not transfer; there are some legal reasons in that the House has not sat and we do not have the powers because we do not have a bill in the form to be approved on third reading to transfer that assessment. That aside, where is there a delay that we have participated in?

**Mr. Reeves:** It could have been implemented earlier.

**Mr. Jackson:** Thank you. That is clearer to me.

**Mr. Davis:** I have a couple of remarks, Mr. Reeves. First, I would like to point out to you that as we have travelled across the province, we have had a tremendous number of briefs from the separate school teachers, their trustees and individual players such as yourself who have come forth to express concerns.

Under Bill 30 as it stands, without any changes—without these hearings—a teacher who is declared redundant to the public education system because of the extension of funding would transfer to the separate school regardless of his or her lifestyle and regardless of credal statements. By the legislation as it is before us, without any amendments, the separate school would be obligated to take that individual. You are aware of that?

**Mr. Reeves:** I have heard that.

**Mr. Davis:** Because of these hearings, there is a new process we are prepared to examine, which we have been doing with the various delegations who have come before us; that is a system of volunteers, where a teacher indicates he would be interested in coming across to teach. I hope this will be assumed as part of the legislation and will relieve some of the anxiety on the part of the separate school community.

I would like to ask you this question: How many high schools are there in Ancaster?

**Mr. Reeves:** One.

**Mr. Davis:** A public high school?

**Mr. Reeves:** A public high school.

**Mr. Davis:** Do your children go there?

**Mr. Reeves:** Not yet.

**Mr. Davis:** Do Catholic students go there?

**Mr. Reeves:** Some.

**Mr. Davis:** For a moment I would like you to assume that the secondary school is a separate

school and it has been a separate school for all of its existence. In the process, because there are a large number of public school students in that school, what will happen is that this school will be transferred to the public school from the separate school. As a person who has lived in that village and seen that school grow, how would you feel about that school changing jurisdiction?

**Mr. Reeves:** I would not be happy.

**Mr. Davis:** That is the exact problem we are wrestling with as a committee. We moved through the 184 jurisdictions in this province where there is only one school in the community. We have to be sensitive to the concerns of all people. Perhaps you might enlighten us as to how you, as a parent, might deal with it.

We will use Ancaster as an example. I do not know how many students there are in your school, but let us say 40 per cent of the registration is separate school students and the whole 40 per cent goes to a coterminous board operating in the next village over. How do you deal with delivering to the remaining 60 per cent an educational program that is equitable and equal to the program they are currently receiving?

**Mr. Reeves:** I do not think that would happen. I think the scenario would not happen. It does not deserve our financial assistance. It will not happen.

**Mr. Davis:** Mr. Reeves, I am here to tell you that is one of the issues we have to wrestle with as well.

**Mr. Reeves:** Do you think it will happen anywhere?

**Mr. Davis:** There is a possibility, as we go across the province, that numbers of students could move. There is a concern about the quality of education we deliver in those areas if they move; one of those areas would be Ancaster. That is the responsibility that falls on us as members of the Legislature as we deal with this issue. These hearings are important, because we get to hear from individuals such as yourself who have specific concerns that we take into our consideration.

There is an educational concern. You need to recall that the original statement, which has since been echoed by the present Minister of Education (Mr. Conway) and the present Premier, was that extension of the funding of separate schools to grade 13 must not detract from or penalize the public education system. In some jurisdictions we have to be extremely sensitive as we deal with that. For example, in certain parts of the north

there is a tremendous amount of co-operation; in other areas there is not.

As we travel around the province, these are the issues we deal with.

I thank you for coming and expressing your concerns. We do not have any answers yet.

**Mr. Reeves:** I understand.

**Mr. Villeneuve:** Let me put my question in this context. The way Bill 30 is now presented, if you were in charge of a school board, would you accept funds from the province?

**Mr. Reeves:** From what I understand, the bill needs some amendments. I do not think we can just say we will take any teachers or any students.

**Mr. Villeneuve:** So there are situations in Bill 30 that concern you extensively.

**Mr. Reeves:** Yes.

**Mr. Villeneuve:** That is why we are here. Thank you.

**The Vice-Chairman:** Are there other questions from the committee?

I might make one final point. I have been a member of the Legislature now for a little more than eight years. I can remember a number of bills that came before the Legislature and did not go through the process of public hearings. They ended up coming back to the Legislature for further amendment because they had not been properly drafted and had not been given proper review. There were situations not contemplated within the legislation and they could not be dealt with.

I hope we will be able to deal with some of your concerns about Bill 30, such as allowing teachers to transfer voluntarily. I think we are going to come out of this process with a better bill. I do understand, and I think all members of the committee understand, your frustration with the time it is taking, but it is better to take a little extra time to have a good bill than to go through the process without adequate public hearings and come out of it with a bill that is unworkable. I hope at the end we are going to come out of this with a good bill that is very workable for all Ontario.

We do appreciate your coming before us this evening. Thank you.

**Mr. Reeves:** Thank you. I hope you do.

**The Vice-Chairman:** The next presentation to the committee is from the Toronto Free Presbyterian Church; Rev. Frank McClelland. This is brief 615.

TORONTO FREE PRESBYTERIAN CHURCH

**Mr. McClelland:** I would like to thank the committee for this opportunity of speaking to you on this very important issue in Ontario. I understand you have already received some 600 briefs, and you have my sincere sympathies. I do not know how you have managed to go through such an amount of material.

I am sure that over the past weeks and months you have met every point that can be made, but as far as we are concerned, this issue boils down to one thing: We sincerely believe it to be an issue of religious discrimination.

In making this presentation, I speak as a pastor of a church of more than 200 people, the majority of whom are supporters of the public school system, and they join me in this response. I speak also as a father of four children who have passed or are passing through the public school system. Despite the minimal attention paid to religion in school, they have all, through the influence of home and church, become fine Christians, at least in my estimation.

I speak as a citizen of this country who loves Canada and its free and democratic institutions and who genuinely grieves when it appears to me that on occasions the will of the people is overruled for political reasons. Such an issue, I believe, is the decision to increase funding to the separate school system.

We therefore oppose Bill 30 and any legislation that gives to one religion a position of privilege to the exclusion of every other legitimate religion. To us, it is a policy of religious discrimination and a recipe for political disaster in the province.

**8 p.m.**

Let us say a word about the education of children and the state. The Bible teaches that "Children are an heritage of the Lord: and the fruit of the womb is His reward." With the blessing of children, God also gives to parents the great responsibility to instruct them to become good citizens of their earthly nation and ultimately of the kingdom of God. God's command is, "Train up a child in the way he should go: and when he is old, he will not depart from it."

The education of children falls basically into two categories. First of all, you have the secular subjects to stimulate the mind, which have little spiritual content. Then there is the spiritual dimension, which is an affair of the heart and which touches the very soul of the individual and his relationship to God. In a multireligious society, the state can and does play an important role in the former, but gets involved in the latter

only at great peril, when it passes legislation favouring one denomination above the rest.

In a recent US Supreme Court decision, which struck down two government programs that pay for instruction in parochial schools, Judge William Brennan wisely observed:

"Providing for the education of school children is surely a praiseworthy purpose, but our cases have consistently recognized that even such a praiseworthy, secular purpose cannot validate government aid to parochial schools when the aid has the effect of promoting a single religion or religion generally or when the aid unduly entangles the government in matters religious. For just as religion throughout history has provided spiritual comfort, guidance and aspiration to many, it can also serve powerfully to divide societies and to exclude those whose beliefs are not in accord with particular religions or sects that have from time to time achieved dominance."

The solution Brennan suggests "is jealousy to guard the right of every individual to worship according to the dictates of the conscience, while requiring the government to maintain a course of neutrality among religions."

It is with great concern that we view the Ontario government's desire to increase funding to the separate school system, which we believe is not in the best interests of Ontario. Our concern is based on several factors.

First, the essential difference between the public and separate school systems is the latter's insistence that the tenets of one religion must be taught. As Protestants, we believe in civil and religious liberty for all with special privileges for none. Freedom of religion dictates that the privilege of having a separate school for that purpose should be allowed, but any financial penalty incurred must be borne by those who decide, for their own reasons, to opt out of the public school system. It is intolerable that taxpayers who support the public school should be penalized in any way to support another private religious education system.

Second, the tax revenue for education is a definable amount. If that amount is distributed to several education systems, the fragmentation cannot but lower the overall quality of education in the province. The projected costs of the implementation of Bill 30—\$80 million in the first year, \$130 million in the second year and \$150 million in the third year—is an unfair imposition on the long-suffering taxpayers.

Third, funding the separate school grades 11 to 13 and, I believe, grades 9 and 10 goes beyond

the constitutional arrangements at Confederation. It must be recognized also that the multireligious nature of present-day Ontario is vastly different from the basically bireligious population at Confederation. The 140-year-old problem needs a modern and fair resolution.

Fourth, to proceed with the implementation of Bill 30 is to leave the Ontario government open to the serious charge of religious discrimination. How can it possibly be fair and equitable to give funding to the separate schools and to deny requests for equal treatment from Jewish, Christian and other schools? Fairness, I suggest to you, demands support for either all religious schools or no religious schools.

Fifth, one of the great difficulties and challenges facing our multicultural society is national and provincial unity. The major cleavage in the present school system emphasizes division, and we believe the ratification of Bill 30 will exacerbate the situation. This has already been seen across the province. The public school system, which today is virtually areligious, provides a meeting place where children of all races and religions get to know each other, learn together, work together, play together and live together.

Sixth, the separation of church and state is a principle that ought to be cherished and defended. We consider federal or provincial aid for denominational advancement a serious erosion of that principle. We stress again that there is no state church in Canada. All churches equally enjoy a tax-free status on their church buildings and none is singled out for special treatment. As charitable organizations, all church donations are subject to the same tax relief with none given a more favourable status.

Why then should one denomination be singled out for special treatment or for education tax relief that other denominations or religions cannot have? Christianity teaches the fair treatment of all, but we have waited in vain to hear from one responsible separate school supporter to call on the government to deal equally with the Christian and Jewish schools that demand the same privilege granted the separate schools.

The law that undergirds both the Christian and the Jewish faiths is, "Ye shall have one ordinance both for the stranger, and for him that is born in the land." As far as we are concerned, no matter how this question is argued, it boils down to a case of religious discrimination in favour of one religion, and as such is contrary to the spirit and letter of the Canadian Charter of Rights and Freedoms.

We believe it is also a recipe for political disaster, despite the imprudence of government becoming involved in religious matters, as in this case. There are always politicians who are willing to rush in for seeming political gain or advantage where angels fear to tread.

Canadians were given a new Constitution recently, having been told that the old British North America Act should be replaced with a made-in-Canada Constitution. It is not forgotten that former Ontario Premier William Davis was a man whose support of the federal government initiative made it possible to patriate the Constitution. Included in the new legislation was the Charter of Rights and Freedoms. Subsection 15(1) of the charter states:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

It is therefore most incongruous that Mr. Davis, by singular decree, pronounced upon us the present disastrous policy, which is the very antithesis of the spirit and letter of the Charter of Rights. The charter's adoption was assured only by Ontario's support. This is to say nothing of Mr. Davis's political somersault in the election of 1974 from his position in the election of 1971.

The present Premier is on record as saying this is an issue that has "drawn blood"—I believe he was speaking figuratively when he made that comment. It has already drawn the political blood of Frank Miller, and we wonder whether this was the real reason Bill Davis resigned so quickly. Did they realize that in that one moment of glory the government alienated much of its support? This issue drew the blood of the Liberal Party in the 1971 election and will again if this legislation is forced through.

We believe the people of Ontario will not endorse so blatant an injustice. It is the politicians who have picked the scab of an old sore and made it bleed all over again. It is a matter of surprise to us that the present Ontario government has referred this legislation to the Ontario Court of Appeal when, to us laymen at least, the spirit and letter of the Charter of Rights is so clear.

The explanation to us for this action must be to look for a loophole in the charter. To me, forcing legislation through loopholes is hardly the action of a responsible government.

**8:10 p.m.**

The government plans to release funds to the separate school system before this committee reports its recommendations and before the Court of Appeal hands down its verdict. Does this indicate the government has already made up its mind and will press on regardless of public opinion and the court's decision? If the court deems Bill 30 to be unconstitutional, will the advanced funds be returned?

Also, we wonder why the inordinate haste? This separate school funding issue has been around for 140 years. From the many presentations made before this committee I have read about, there has come a clarion call to slow down the process to ensure that whatever action is taken is equitable and not harmful to the public schools.

There seems to be a lemming-like quality to the whole procedure. Scientists puzzle over the lemmings' motivation to self-destruction. Is it fear that drives them over the cliffs of Norway to their death, or is it a feeling that perhaps lying over the sea there is a Utopia? We wonder why there is so great a hurry and rush to pass this discriminatory legislation. Is someone indeed putting pressure on by wielding the big stick? I cannot think it is for the purpose of establishing a Utopia of a just and equitable society with legislation of this nature.

Some have called for a referendum on the subject, but the Minister of Education stated correctly that this is not a plebiscitary democracy. We are left to wonder just what kind of democracy we do have.

Here is a case where all three parties support this legislation, despite the fact that a large proportion of Ontario's population is opposed to it. One recent poll put the percentage at 48 per cent for and 50 per cent against. If the people are this disenfranchised, then perhaps a referendum is required.

The net result of this disastrous policy is that many Ontarians have lost confidence in all politicians and parties. The Conservatives did a complete turnaround and alienated many of their supporters. The Liberals seem determined to push this legislation through. We genuinely fear that these hearings and the court challenge are but the veneer of public and legal debate to cover up the government's predetermination to press on regardless. How can the New Democrats, the much-claimed guardians of social equality, support such an unfair law that gives privilege to one religion above the rest?

Having of course mentioned the politicians, let me say the churches are not blameless. Before concluding this presentation, may I say that all the blame does not lie at the politicians' door. Christianity is a religion of faith and trust in the triune God as Creator, preserver, redeemer and provider. It is also a religion of sacrifice, for while the soul's salvation is a free gift of God's grace to live as a committed Christian, it carries a considerable cost. As one has said: "If Jesus be God and suffered and died for my sins, then no sacrifice that I make for Him and His gospel is too great."

Sadly, there are those who have taken upon them the name of Christ and have adopted the begging-bowl approach. They are on television, on the radio and also in the lobbies of parliaments, asking the world at large to support them in their religious endeavours. Like the horse leech of the Book of Proverbs, they cry, "Give, give," and they never say, "It is enough." I believe these bring the gospel of Christ into reproach.

On the other hand, there are Christians whose faith in God means everything to them and who are willing at great personal sacrifice to educate their children at a Christian school. They pay their public school taxes and are not able to designate them to the school of their choice. On top of that they must pay their Christian-school fees. It is a choice they make, and they make it gladly. Their dedication brings honour to the gospel of Christ, but these are some of the people who are discriminated against by this legislation. They have no rights in Bill 30.

In concluding this presentation, we respectfully and humbly call upon the government of Ontario to implement the following: recognize the basic discrimination of the present educational laws with respect to separate school funding and withdraw Bill 30; reaffirm a strong commitment to the public school system and ensure it is in no way weakened, and encourage Ontarians to support the public schools so they offer a high level and standard of education; set up a vehicle of investigation, review the whole education process in Ontario and make recommendations about how the interests of all Ontarians can best be served in the field of education; make a genuine commitment to freedom of religion and ensure equality of opportunity for all.

While our preference is for one public school system, educationally and morally strong, which all religions could attend, leaving the teaching of religion to the home and the church, we are also

aware of the realities of the situation. If it is decided that tax help should be given to religious schools, then it must be for all without exception or for none. Such aid should be limited to the direct education tax for the individual family.

We are convinced that the state has no responsibility to ensure the complete funding of any religious school whatever it may be. We believe the onus must rest fairly and squarely on the shoulders of those whose religion dictates such a course. Grants, where the taxes of adherents of one religion go to the support of another, must be discontinued. We believe the support of any religious body is a matter of free choice. It is unethical and unfair that any individual should be obliged to support in any way another religion, especially one with which he disagrees.

Freedom to exist and teach should be granted to religious schools that wish to operate independent of provincial aid. We put that in because of what is happening in Alberta where, by looking at the whole educational system, they are trying to squeeze out the individual Christian school willing to operate at its own cost without any state help or provincial help at all. I believe that if a school wants to exist and wants to fund it itself, it should be given the freedom to operate like that.

It is our deeply held conviction that if a reasonable and equitable course of action is followed, the heat will be taken out of a volatile and explosive situation. If, on the other hand, the politicians decide to pursue their present disastrous policy, they will bear the consequences for overriding the wishes of the people.

I close by reminding those in political office of a great biblical principle that applies in every age. "When the righteous are in authority, the people rejoice; but when the wicked beareth rule, the people mourn." I would like to thank you for the opportunity to make our presentation to you.

**The Vice-Chairman:** Thank you very much. Are there questions from the committee?

**8:20 p.m.**

**Mr. Allen:** I want to thank Mr. McClelland and his congregation for spending obviously a good deal of time thinking about the issue and bringing before us their observations about it. It is not up to us to decide whether we are among the righteous or the wicked. I read the statement in that spirit.

Your brief puzzles me because, on the one hand, you appear to suggest that the parents have the fundamental responsibility for education, yet on the other hand, you are opposed to what

obviously is a religiously oriented education system.

**Mr. McClelland:** What I am saying is—

**Mr. Allen:** Just let me finish, if I might. In stating, as you do, “With the blessing of children, God also gives to parents the great responsibility to instruct them,” etc., is it your understanding that the state, when it engages in education, has a delegated authority, in effect, from parents to undertake that task? What is your sense of the relationship between parents and their wishes for the instruction of their children and the role of the state in assisting that?

**Mr. McClelland:** First of all, I believe that children are a heritage. The Lord God gives us children, and the children are not given to schools, they are given to parents. Therefore, the primary responsibility for the education of those children in that home belongs to the parents.

I am not saying they should educate them in the home. That could be done, I suppose, but we are saying here that the state also has a very important role to play, because we need to have some means of standardization. We feel that parents have a responsibility to decide whether they want their children to go to the public school or to whatever school. They have a right to decide.

**Mr. Allen:** If it is an obligation of the state to support parents in their undertaking to educate their children, does not the state also have some obligation to the wishes of the parent with respect to the nature of the instruction?

**Mr. McClelland:** Yes, but I think when you come to the issue of religion you have a different case altogether, because in schools you are dealing generally with secular subjects, which do not really go to the heart of the person. I believe in the case of religion that if the state gets involved, there is a very great danger, especially in a multireligious society. The point we are making particularly is about discrimination towards one to the exclusion of the rest. That is, we feel, a real problem.

**Mr. Allen:** What do you say then to those who adopt the philosophical position on education that there are no secular subjects; that inasmuch as the whole of creation belongs to God, the investigation of that creation is suffused with religious character; that the mind that investigates it comes from God and there is a fundamental distortion when one separates out the secular from the spiritual, and that from their point of view as parents they wish an integrated

form of education for their children that provides this kind of unity?

There are others, obviously, who have a different philosophy, who have a mechanical separation of fact and value, after Max Weber and other sociologists and what have you—I have heard Protestants inveigh against that—but who reflect that in the school system.

If you have parents who have legitimate and fundamental philosophical differences about education of that order, what is the position of the state vis-à-vis its responsibility to them in providing backup for their undertaking to instruct their children?

**Mr. McClelland:** I believe that if a person wants to instruct his child in any religious school, it is his right to do so, but I do not believe the state should involve itself in the promotion of one religion.

**Mr. Allen:** The question is not the promotion of religion; the question is a different philosophy of education.

**Mr. McClelland:** Yes, but I am talking in my presentation about a situation where one religion is promoted to the exclusion of another and the taxpayers’ dollars are going to that.

**Mr. Allen:** Those are two further questions and they are quite separable.

**Mr. McClelland:** But I am coming—

**Mr. Allen:** Questions of constitutionality and discrimination are things we can talk about in a moment. That is a different question.

What is the relationship of the state in performing its obligations to back up parents who have these different and very respectable views on the nature of the education that they want their children to receive?

**Mr. McClelland:** I am saying they can make the decision, wherever they want their children to go, but I am saying again that we do not need the state to be involved in individual religious promotion, because that is what it comes down to. There are all kinds of educational philosophies in the world, but we are talking here about a situation where one religion is being promoted by tax help from the state to the exclusion of the rest.

**Mr. Allen:** Other persons of other religious persuasions have taken another view of the philosophy of education, and they also get the kind of support they apparently desire and wish for their children in the public school system.

**Mr. McClelland:** I have said that my children go to the public school system and are quite happy with it.

**Mr. Allen:** But why is there something fundamentally wrong with our recognizing the needs of a single majority, a major minority, of this kind?

**Mr. McClelland:** If that major minority is given a status that other minorities, such as the Christian and the Jewish schools, are not given, that is where the problem lies as far as we are concerned.

**Mr. Allen:** At this time, is the problem between the Catholics accepting the Catholic school system and other religious groups and their interest in education one of principle in this province, or is it rather that other religious groups have not been prepared to accept structures of public accountability or universal accessibility to their system, or matters like that?

**Mr. McClelland:** To me, it is a matter of principle that all religions should be treated fairly. Either all are supported or none is supported.

**Mr. Allen:** If the state says the options are open, but they have to accept a certain range of public accountability, a whole series of structures, as the Catholic system has, is there any problem in your mind if they accept and get money from the state?

**Mr. McClelland:** I left it open. I said our primary desire would be for an educationally and morally strong public school system, but if others want to send their children to other schools and if it is thought necessary that the government should recognize the realities of the situation and allow some diversion of funds to help those religions, then it must be done equally across the board and not for one only.

**Mr. Allen:** Is there any unfairness in your mind in a situation where a single religious group in our society accepts that proposition and structures its education accordingly and gets state support, while others have that proposition as an option, but reject it and follow another course for the satisfaction of their educational purposes? Is that an unfair situation?

**Mr. McClelland:** I incorporated that in the last point. I said there should be a right to teach and to exist for those who want to have their own schools without having any state help.

**Mr. Allen:** That exists, of course.

**Mr. McClelland:** It does exist. That is the choice of the people who have the schools. For example, we do not have a Christian school, but others have come along and asked for aid and have been refused it.

**Mr. Allen:** Did I hear you say there is no unfairness where one religious tradition accepts the proposition, while others have it open to them but reject it and fulfil their desires either through non-publicly-accountable private religious schools or through the public school system?

**Mr. McClelland:** That is their decision to make. If they make that decision, they cannot say it is unfair, if the option is open.

I know schools in another country that had the option of having state aid, but they turned it down. The reason they turned it down was they brought their Christian schools into being in the first place because they had certain dissatisfactions with the public school system, especially the teaching of humanism in it, and they withdrew.

They had their own schools and they had the right to have state money, but they rejected it because they said if they brought it in, then they would bring in ties that would bring them back to square one again. Such people have that right, and they cannot claim unfairness, if the money is there and they refuse it.

**Mr. Allen:** I understand that.

I have one last point. If the constitutional argument is one we have to be agnostic about at this time because it has not been rendered yet in the courts, is there not as much reason to say the present situation is fair as to say it is unfair?

**Mr. McClelland:** I do not understand what you mean. Could you rephrase that?

8:30 p.m.

**Mr. Allen:** I gave you the situation where one tradition has accepted the option of state support and in our history others have rejected it, and the others have rejected public accountability mechanisms on a variety of grounds—because they do not want to hinder their independence or affect their hiring practices or what have you.

You submitted that under those circumstances that would appear to be a kind of fair arrangement.

**Mr. McClelland:** It is their decision.

**Mr. Allen:** I am saying the only question that hangs over that—whether it is legitimate or not—is the constitutional judgement. That has not been given finally in the light of the extension into grades 11, 12 and 13. But given that, is it not as legitimate to suggest that the present situation is really fair rather than, as your brief says throughout, that the present arrangement is unfair?

**Mr. McClelland:** I have to be honest. I believe the situation since Confederation is

unfair. Longevity does not make a thing right. I believe we have a case here where one religion has been given certain privileges not available to the rest. If the rest had the same opportunity it would be a different matter, but even if they wanted it, they could not get it. That is the problem.

**Mr. Allen:** We had an example this afternoon where the Jewish schools in North York came to the board and wanted public support by becoming attached to the North York board. That could not happen because they were not prepared to allow a combination of exemption from religious education and universal accessibility. That was required, so they passed it up. There are other cases where the Christian schools are not prepared to accept teacher certification. So there have been options, but they have been rejected.

**The Vice-Chairman:** Mr. McClelland, I am going to allow you to respond. It has been a very interesting discussion, but I do not think Mr. Allen is going to change your position, and I know you are not going to change Mr. Allen's position. I am going to let you respond and that will wrap it up.

**Mr. McClelland:** I do not think I have anything more to say except that we do sincerely believe the whole thing is a policy of religious discrimination. We hope you folks will realize that and will call upon the government to take steps to make it fair support—for all or for none.

**The Vice-Chairman:** Mr. McClelland, thank you very much. The first presentation tonight said we were moving too slowly. Your presentation indicated we were moving too quickly. Certainly the contrast between the two presentations shows how difficult the job of this committee is.

**Mr. McClelland:** We appreciate that. That is why I said at the beginning I do not envy you your job.

**The Vice-Chairman:** Thank you very much for coming before the committee.

PAUL TREMBLAY

**The Vice-Chairman:** The last presentation for this evening is from Mr. Paul Tremblay. This is exhibit 593.

**Mr. Tremblay:** Mr. Chairman and members of the Ontario Legislature's standing committee on social development, I would like to make a presentation on behalf of myself as a Catholic trustee on the Simcoe County Board of Education. My presentation aims to encourage the completion of funding for Roman Catholic high

schools. There is a little bit of diversion from this written presentation—a small addition to it. Will there be any problem with that, Mr. Chairman?

**The Vice-Chairman:** No, there is no problem. I can take a diversion; so can you.

**Mr. Tremblay:** Recent publicity and reports on submissions to your committee have questioned the validity of immediate extension of public funding for the senior secondary grades of the separate school system. This submission challenges some of the underlying misconceptions on which the negative opinions are based.

It has been suggested that there be wide-ranging debate and some majority mandate before extension of this additional public funding for Catholic high schools can be approved. This has never been the mechanism for responding to minority needs in the past. I can give you many examples. I will refer to the federal level because I do not know what anybody's position is here, and I do not want to offend anybody, depending on what the positions are.

The native people are a minority, and yet they have specific rights different from the rest of the people in Canada. The French-speaking people are also a large minority. However, they have specific rights. In fact, they have been successful in changing some of the federal rights so they have a lot more input into the way our country is being run.

I would like to draw your attention to another federal activity. On the front page of today's *Globe and Mail*, it says that Ottawa is to favour minorities in hiring. There has not been widespread public debate on this extension of some kind of special program to minorities and this is at the federal level.

It is something that a strong government acknowledges as being a responsibility. Once they have met the needs of the majority, they can then begin to address the needs of a minority. That is the situation we have in Ontario, that the minority who wish a religiously oriented education distinct from the public system are now in a position to get that type of service with public funding.

Since the majority have not been affected by lack of full public financing for separate high schools, it is unlikely they will appreciate the importance and urgency of this improvement for the minority who have been disadvantaged for so long.

A democratic government does not just react to the needs of the majority. In a strong, enlightened democracy, minorities also have rights that must be satisfied. Catholics are part of

that public who want to offer an adequate education to their young people too. What is available in the public school system is not satisfactory to the separate school supporters.

Lobbying and negotiations between Catholic representatives and the government have, over a long period, gradually provided financing for an educational system to meet the needs of the Catholic portion of the public. The proposed legislation will finally complete the system. It will also have a problem that the public boards have been experiencing removed from the issues they have to address.

Those biased people who have been publicizing their opinion that public education is good enough for everyone are affected by a kind of chauvinism that fails to see the difficulties people experience in making a public board of education respond to any kind of religious moral concern for Catholic students. The state and religion are not separate in this country. Both are part of life and learning. The fact that there are already representatives of separate school supporters such as myself on public boards is a precedent that indicates some concern at least has to be given to Catholic religious needs even in the public system.

The difficulty is that the majority on the boards of education do not share the same problems. One of the examples, of which Mr. Davis would have been aware when he lived in Simcoe county, was a group called Simcoe Taxpayers for Research in Education, which attempted to get revisions made in a human relations program that offended some of the religious tenets of some of the people in the community. It was virtually impossible to make any revisions. The program went through almost completely unaltered, and when continued opposition to it was mounted in the courts by STORE it was fought to a legal standstill without very much consideration being given for the concerns of not just Catholics but other religions as well who were involved in that movement.

**8:40 p.m.**

However, having a few Catholic representatives on a large board is only a token gesture. Although they can initiate and participate in debate, they are readily outvoted when non-Catholic members do not perceive the risk that may exist for Catholic young people. Examples in my own board include poor selections of English texts. I can give you some examples of texts I have opposed in the past. I have been regularly outvoted and no concern has been shown for the fact that such books as *Who's*

*Afraid of Virginia Woolf*, *Sons and Lovers* and *The Diviners* might offer a religious perspective to Catholic students in the classroom that was at variance with their religion. The teachers would not even consider going back and choosing another book that was acceptable to both Catholics and non-Catholics. That was in direct discussions with the teachers themselves.

In attempting to get the board to move the best we could get was, "Well, if there is any objection then we will come up with another book." The problem is that to find out the objection you have to read the book and there are not a lot of parents who spend their time reading the student's books before the students do. So the students had virtually gone through with the program or had at least been assigned to it. It is difficult for a student in a position among his or her peers in the classroom to actually come out and say, "I find this book offensive, give me another one."

There were, and in fact still are, texts that are not acceptable to Catholics. That does not seem to have made an impression on the board.

Another area where there are difficulties in my own board is moral relativism, which is a system of values that is presented in human relations—the course I have already mentioned, actually it is a program; and there are other courses in the program such as health and man in society in which it considers such topics as abortion, birth control, death, homosexuality, premarital sex, etc. There are a lot of issues that come up and I do not wish to identify them all.

I can give another example. When the Right to Life Association, which is quite acceptable for Catholics in Catholic schools, wants to get in to make a presentation to balance off what I have termed a secular humanist bias in the public system, they have been denied the opportunity to come into the schools with their audio-visual presentations and their models. That does not show any consideration for the feelings and religion of other groups within the public system.

The public high schools do not respond well to the needs of Catholic students or to the desires of their parents who have for years been forced to support them. Many Catholic members of the public are in effect paying additional taxes to support the private high schools where they prefer to send their children. The public system is inadequate and inflexible in its current offering of some kind of secular religion. It is not neutral. It is antireligious; it is not antireligious.

This is the real religious discrimination in today's education. It seems the only just way to solve the problem for those members of the

public who want teaching based on Christian religion is to fully finance the separate system. That opens the door to extend that financial support from the public purse to the other Christian and Jewish denominations as well.

From this perspective, one must question the value of full and open debate or referendum on the issue. The majority may be blind to the problem, but that does not make the needs of a minority any less valid and deserving of a publicly funded solution.

I hope you will see the legitimate need for this completion of public funding and the justice in ensuring a rapid passage of the legislation necessary to make it a reality.

**The Vice-Chairman:** Thank you very much. Are there questions from committee members? Not seeing any questions, I do appreciate you coming before the committee tonight. I assure you your input, along with the other numbers of people who have come before the committee, is very much appreciated and very helpful. Thanks very much.

**Mr. Jackson:** Mr. Chairman, I am not going to let the matter pass. I was going to pass on asking questions. I was a little angered by the tone. I was a trustee for nine years and I do not think the separate school trustees had any monopoly on compassion or concern for program matters. As I recall, in the nine years I was a trustee there were two public school trustees who had to fight on our approach to the way we were teaching some of the curriculum and the removal of some of our textbooks.

I think your contention that there are those in the public system who are working and endeavouring to move the public system more in a direction that you stylize as being inadequate is somewhat narrow, harsh and unfair. I would be unhappy if you left with the thought that your presentation was not wholly appreciated, but it was thought-provoking. Thank you.

**Mr. Tremblay:** Do I get a chance to respond to that?

**Mr. Chairman:** Of course, sir.

**Mr. Tremblay:** I do not think the Catholics have a monopoly on Christian concerns. I did touch on the fact there are other people who may have similar concerns. I do not think I am the only one or that the two trustees who are separate school representatives on our board are the only ones who speak up for that. I can name at least two others.

However, the Catholics and other Christian people who are concerned about religious things

in the programs within the public education system seem to be a minority. We have agreed about that and you probably have had that experience yourself. Those who had concerns were very seldom a majority compared to those who did not seem to be concerned about what was presented. In my experience in my board, we invariably had a lack of response from the majority, who voted against it consistently and very seldom made any changes of a significant nature.

That shows a lack of concern for the religious feelings of a minority, and I admit to being a minority in combination with Jewish and other Christian minorities. I think, though, our public system is strong enough to start showing some concern for that. If they will not do it internally, through making religion a part of the program in the public system, and I am sure they will not, then the only option I can see is separation and full funding at public expense for those people who have religious concerns.

The people who pay their taxes are not stealing anything from the public system. They are simply getting a system to respond to their needs when the public system is inflexible, inadequate and unable, for whatever reason, to provide or to revise programs to meet their needs. I do not think our concerns are so great that there could not be some kind of response.

**Mr. Jackson:** Would you rejoice if we as a committee were to present in the bill guarantees that the public school system would have a program of religious education available to students, to show tolerance by teaching the various world religions? This is in the public system.

Would you rejoice if we as a committee were to recommend that one of a school staff of five guidance counsellors should be a Catholic who is conversant with the chaplain program so the Catholic kids in the public system could develop part of their own parallel milieu within a public school?

**Mr. Tremblay:** Would you guarantee that all or the majority of the teachers teaching the students in the public system who exemplify a Catholic, or at least a Christian, way of life would be the teachers to whom those students were assigned?

If you can make that guarantee, and I do not think you can, and if you can make the guarantee that the students with whom the Catholic students associate are going to be of a like mind and a like religious practice and that the influence of their peers is going to be in the direction of

acknowledging religious concerns and showing that type of behaviour as an example in role models, both of the teachers and the students, then sure, keep them within the public system.

I do not think you can do that in the same building, any more than you can teach French in a total immersion program in the same building. You are having to divide the French schools out of the combined schools and set up a separate building in a separate environment where the teachers are all speaking French and the students are all speaking French. That is the milieu; the models are all speaking French. You have to do the same thing with the separate system, because if the milieu and the role models are not distinct there is a lot of confusion.

**8:50 p.m.**

I do not see the study of world religions as an adequate way of presenting one religion. We are not suggesting every religion is equal to the students who take religious instruction at Catholic schools. We are not suggesting world religions courses have to take that approach. It is a social approach, and I do not think that is adequate.

**Mr. Jackson:** As a final retort, having been a trustee for nine years, I think I have a lot more faith in the basic humanism of our public school teachers. I do not think it is a process of picking through to seek one or a small group that would qualify to teach this type of program. My experience both as a student and a trustee in this province would indicate the examples of those about whom you would have concern are very rare and remote.

**The Vice-Chairman:** You have sparked some other questions.

**Mr. Jackson:** I did not want to go home early.

**The Vice-Chairman:** I was not necessarily suggesting you sparked the questions.

**Mr. Davis:** In your opinion, who has the responsibility of conveying information to young people on such topics as birth control, death, premarital sex, abortion and homosexuality? Whose responsibility is it to teach those subjects?

**Mr. Tremblay:** Primarily, it is the parents' responsibility.

**Mr. Davis:** Totally?

**Mr. Tremblay:** No. I was going to continue. I do not think that is adequate in all situations. I do not think parents generally perceive their offering in the area of those topics you suggested as being adequate. I do not think parents feel they have sufficient information to make an adequate

presentation on all the different controversial topics to which young people are going to be exposed in life. I think they send them to a school on the assumption the teachers there have sufficient information to make presentations to the students that will enforce or reinforce the precepts they believe.

**Mr. Davis:** Do you believe it is educationally sound for a school system—it does not matter in which jurisdiction—to incorporate within its health curriculum lessons that deal with such things as abortion, birth control, death, homosexuality and premarital sex?

**Mr. Tremblay:** I feel they probably have to address those topics. However, the content of the program outlines I have read, which are used in the Simcoe county board, are not adequate.

**Mr. Davis:** Do you believe it is educationally sound for a student to be given only one aspect of birth control, abortion, death, homosexuality and premarital sex?

**Mr. Tremblay:** If you mean educationally sound; that is, giving the student what the parents want him or her—

**Mr. Davis:** That is not what I asked.

**Mr. Tremblay:** Are you asking me as a professional because I teach?

**Mr. Davis:** I am asking you as a professional trustee. I do not know whether you are a teacher. As a trustee, do you believe it is educationally sound to present only one side of an argument to students?

**Mr. Tremblay:** If I were teaching mathematics, I would teach the right way to do calculations.

**Mr. Davis:** I am not talking about mathematics.

**Mr. Tremblay:** Let me finish the analogy. If I were teaching machine shop, I would teach the right way, that I perceived, to use the machine. If I were teaching health, I would teach students the way they should use their bodies, not abuse them. I would teach them the values they should have in the use of their bodies and their functions. I can offer the perspective that there are deviations from what I would consider the right way. But that is not what I am saying. I am saying I believe there is an absolute right, and I would present it from that point of view.

**Mr. Davis:** Back up for a minute. As a teacher, would you teach your students the various options available for the prevention of conception?

**Mr. Tremblay:** Am I teaching in a public or separate system?

**Mr. Davis:** Let us say for the moment you are teaching in a separate one.

**Mr. Tremblay:** If I were teaching in a separate system, I would give the full explanation of why it is wrong. I would attempt to give my students a perspective on the value system I have and hope they would adopt. Then I would give a more detailed explanation of the way that I feel is appropriate if they have a need to practise birth control, family planning or whatever term you wish to use. In passing, I would also mention there are other mechanical or chemical methods.

**Mr. Davis:** But you would give them all.

**Mr. Tremblay:** I would certainly not give them equal weight.

**Mr. Davis:** You would give them the information they required.

**Mr. Tremblay:** Yes. I would give them the information on how I perceive it should be done correctly.

**Mr. Davis:** That is not the question I asked.

**Mr. Tremblay:** I am sorry.

**Mr. Davis:** The question I asked was whether you would give them the information.

**Mr. Tremblay:** Yes; but I would not present it without a value system attached to it.

**Mr. Davis:** The assumption you make is that the teacher who teaches in the public school system places more emphasis on one aspect of it than you do.

**Mr. Tremblay:** The assumption I make is that in the public school system, if I am correct, perhaps they give everything equal weight. However, I do not agree with equal weighting. Perhaps they come to a decision on what is an important value by the vote system; that is, just a democratic system. I do not agree with a democratic value system.

**Mr. Davis:** In the public education system, how do you deal with a student who is learning birth control, taught by a person of a religious denomination who does not, for example, place a lot of credibility in the rhythm system? Has he the same right that you have to expound upon the options, even if he gives them equal weight, as methods by which a person, married or not married, can prevent conception? Is that not education?

The individual takes those value systems and that information and assimilates them into the value system that is being given to him by his church and by his family life and makes the

decisions and formulates his own values. Is that not education?

**Mr. Tremblay:** From my perspective on education, I feel the system should present a preferred solution. I am a technical teacher; I present a preferred solution. Students encounter wrong solutions, which should be corrected by the teacher in the classroom. In a separate system, I assume the teacher would present it from the Catholic point of view. If you consider "separate" in the sense of the Jewish people being separate, I am sure they present a Jewish perspective to the students.

However, if you have a public system, you cannot take a perspective, apparently. The teacher may take a perspective, and that is what teachers always do. Even if the board sets down a rule and sends out a notice, the teacher gets the notice and reads it, then closes the door and teaches the way he feels the subject should be taught. You cannot change people just by sending out a notice. They present their own personalities; they present their own perspectives on things.

I would hope that in a separate system the Catholic teachers would be the ones who would teach the religion subjects. I would hope they would be the ones who would teach the health subjects. I know that if the separate system gets public funding, it has to be open to all denominations, to all teachers who are excluded for one reason or another from the public system. I would hope they would not be assigned what I consider critical subjects where there is a heavy loading of values.

The values-clarification approach that is used as part of our man in society course, as part of our human relations course, as part of some of our English courses and as part of some of our health courses is not adequate. It specifically denies the teacher the right to make a value judgement, to make a presentation of his or her values. It comes up with the solution that values are arrived at by majority vote, and if the teacher votes it is only with one vote.

**Mr. Davis:** It talks about situational ethics, which is a lot different from value judgements.

Let me ask you another question, because you are touching upon one of the concerns this committee has to deal with. What happens if one of the teachers coming across to the Catholic system is a lapsed Catholic who is divorced and remarried. Should that teacher be allowed in your classroom?

**Mr. Tremblay:** Allowed in the classes or allowed to teach religion?

**Mr. Davis:** Allowed to teach in your system.

**Mr. Tremblay:** I do not think you can deny a person—you cannot condemn him in a sense for his past sins, can you?

**Mr. Davis:** That is not the question I asked.

**9 p.m.**

**Mr. Tremblay:** Okay. You assume they have reconciled themselves with God, if in fact they still believe in God; and whether they do is not for me to decide. They would be in a position, being fair to anyone, where if they are being honest in the way they present their subject they should be allowed to teach it as long as it did not violate some of the basic values and concerns in the Catholic system. If they are teaching mathematics, I do not think there is a heavy value loading in mathematics; there may be more in

science, and there could be a fair amount in history and in other subjects such as English.

Their access to subjects would be somewhat limited, but I would say they would be allowed to teach as long as they were not in a position where they were—I do not want to say where they were setting a bad example or anything like that; I am assuming they have reformed, if there was anything to reform.

**The Vice-Chairman:** I am going to thank you for the second time for coming before the committee. Thank you very much.

**Mr. Tremblay:** Thank you for the opportunity.

**The Vice-Chairman:** That completes the presentations for this evening. We will resume tomorrow at 10 a.m.

The committee adjourned at 9:02 p.m.

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Wednesday, September 11, 1985  
Morning Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, September 11, 1985

The committee met at 10:09 a.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** If you will all take your seats, we will get started. I have proved once again that you do not have to use a hammer to get order when it comes to education matters.

The first presentation before us this morning is the York Board of Education, Mrs. Hainer.

### YORK BOARD OF EDUCATION

**Mrs. Hainer:** Mr. Chairman, I would like to introduce, on my left, Karen Hen, who is vice-chairman of the York board, and, on my right, D. J. Phillips, our director of education.

**The Vice-Chairman:** Welcome to the committee. You can take us through your brief at your convenience. Do you plan to read the whole brief or walk us through it and then allow time for questions?

**Mrs. Hainer:** We hope to read as much of it as we can. Some comments will also be made as we go through it and the timing of it will allow plenty of time for you to ask us questions when we are finished.

Mr. Chairman and members of the standing committee, thank you for the opportunity to present the views of the board of education for the city of York on the proposed legislation to provide public funding for Roman Catholic secondary education. The brief contains recommendations on various aspects of Bill 30. They are intended to alleviate some of the possible impacts on the system that are foreseen by the trustees in the city of York.

The city of York is one of Canada's most culturally diverse communities. About 50 per cent of the parents of children in our schools were born outside of Canada. Many languages are spoken by the children in the home. In one school some 35 languages and dialects are represented and classes are offered by the board in 13 heritage languages. There is a significant Roman Catholic student population in the public schools. The percentage of Roman Catholics in the elementary

schools ranges between eight per cent and 53 per cent, the overall average being 25 per cent.

Previously, the board had not needed to maintain records on the religious affiliation of secondary school students. After the then Premier's statement of June 1984 and after receiving consent from the Ontario Human Rights Commission, the board has undertaken the collection of such information. A preliminary count made in the spring of 1985 revealed that 46.7 per cent of the secondary school enrolment was Roman Catholic. It is believed this board has the highest portion of Roman Catholic students of all the public school boards in Metropolitan Toronto.

Clearly, the extension of financial support to Roman Catholic secondary schools will have significant consequences for the York Board of Education. A significant loss of secondary enrolment will limit the board's ability to continue its current level of programs in secondary schools. Hence, this board regards the funding proposal as an extremely serious matter.

The funding of education has always been a particular concern of York trustees. York has the lowest per pupil assessment base in all of the Metro municipalities for the elementary panel and the second lowest assessment base for the secondary panel.

Since 1953, when two-tier government was first established in Metropolitan Toronto, there has been a sharing of property taxation revenue to meet educational costs. Later, the sharing of revenue took the form of a uniform mill rate applied across all municipalities for educational purposes. The Bone commission, through Bill 44, refined the funding arrangements so that a uniform mill rate is fully in effect.

There are approximately 134,000 ratepayers in York. Sixty-seven per cent support the public school system, while 33 per cent support the separate school system, with the incidence of the Roman Catholics in the city's population being 44 per cent. It has been said earlier that about 47 per cent of the students in the secondary schools are Roman Catholic.

If the proposed legislation is approved, there will be a significant transfer of secondary school assessment. The assessment of ratepayers who currently pay separate school taxes which go to public boards for secondary school purposes at

present yields roughly \$5 million in revenue. Nevertheless, for a period of time this board will still be responsible for providing education to all secondary school students, whether separately or publicly assessed.

The York board would like to have on record that it regards the June 12, 1984, statement of Premier Davis as a statement of intent which at this time has no force in law.

As a public board of education operating in Metropolitan Toronto, the board of education for the city of York endorses the submission made to this committee by the Metropolitan Toronto School Board.

The York board has been concerned since July 1984 that the manner in which the policy for the extension of funding for separate secondary schools was introduced was not consistent with the usual democratic political process, namely, legislation enacted after full public discussion.

Normally, when legislation is proposed, it is preceded by a policy statement made by the minister; legislation is then tabled and there is public discussion on the proposed legislation. Views of the public and professionals are obtained and modifications are made to the proposed bill. Finally, after royal assent the legislation is included in an act and implementation follows.

The board wishes to ask representatives of this government, and, indeed, the former government, through the standing committee, why the normal political process was not followed in this case. This question has been asked on numerous occasions. Included in our brief is a letter to the former Minister of Education, the Honourable Keith Norton.

Earlier this year, the York board expressed an unwillingness to participate in the activities of the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario in a letter, dated April 23, 1985, to William T. Newnham, chairman of the planning and implementation commission. That is also included.

The York board still feels strongly that the proposed extension of funding should not be implemented until there has been full public discussion of all the possible consequences. The decision to proceed with the first year of funding before the completion of full and free public discussion indicates that this government, like the previous government, plans to go ahead with the implementation before a decision has been made by the courts. To say that discussion will take place during or after the extension of

funding has taken place certainly does not follow due process.

**Mr. Phillips:** My name is Mr. Phillips, the director, as I have been introduced. I would like to deal with specific concerns the board has with various aspects of the legislation. We are not going to look at the question of uniform access or equal access. Many of those things have been dealt with in other briefs and we do not wish to deal with those particular important concerns.

Our concerns are fundamentally with two main areas. One is the remaining financial viability of the board to finance its programs within the Metro context. Our concern is dealing with what impact the funding extension would have upon a Metro board.

The big problem that is going to face us is that when the assessment for our secondary school purposes is transferred to the separate school board, potentially we are going to lose, as the chairman has said, approximately \$5.5 million to \$6 million. We are concerned with how this lost revenue will be replaced without raising local taxes.

Later on in the brief, there is reference to an assurance. The assurance was given in the brochure that was released that there would be no additional local tax burden, but the legislation at this time does not seem to give the boards the reassurance that this would not happen.

If we are going to lose 33 per cent of the assessment, as it stands now, with the possibility that some people are going to transfer their assessment to the separate school board when they transfer the students—some of it will happen, but how much yet we do not know—we realize that with the present legislative grant structure, as the assessment goes down, so the legislative grants go up.

What the board is looking for is an assurance in the legislation that there will be some form of almost equal compensation for the lost revenue and that this compensation should not come from an additional tax burden for the local public school ratepayers. We have considerable doubt that the legislation and the regulations will compensate for that.

We are asking that when you look at the bill, it should state that the apportionment and distribution of legislative grants to a public board will be adjusted for a period of at least 10 years to compensate for the loss of assessment. Ten years has been bandied about as a time limit for the implementation and that is why the period of 10 years is there.

10:20 a.m.

We want to be reassured that the regulations should be strengthened to ensure there will be no increase in the local tax burden to public school ratepayers as a consequence of the extension of funding. That is one fundamental concern because we are one of the receiver boards from the Metro pool at the moment, quite substantially so.

Of our budget of \$72 million, only \$42 million is raised from taxation in the city of York, so we are currently receiving approximately \$30 million from the Metro pool. If that is reduced by approximately \$5.5 million to \$6 million, how is that money going to come to the board? Initially, we will be still running the same programs. Maybe that will not be a problem in three or four years' time, when transfers are beginning, but that will not happen until then in York because the Metro separate board has no school accommodation there. How are we going to get over the next two or three years in particular?

We are asking that there be consideration for local taxpayers, that local taxes not be increased above and beyond those seemingly inflationary types of costs that flow through to local taxpayers.

Another way in which we can be financially hurt is that subsections 136n(1) and (2) indicate payment of fees for separate school students in the public schools will go according to the regulations, but we have varying types of programs. The cost of a technical program is approximately \$7,400. If we charge the average gross fee of \$5,198, there is obviously going to be a shortfall of approximately \$2,200, and many students take technical programs.

What we are asking is that the committee, when it looks at the bill, attempts to put into the legislation some guarantee the fee paid would be the actual program cost. I know you have heard this before, but it is important. When one is looking at about 5,000 students taking technical programs, there is a considerable amount of money that could be lost.

Therefore, we are saying fairness can be achieved only if the method of calculating the fees realistically reflects the actual audited program costs. We can work out what those are. We can isolate the main components, particularly the instructional ones that are the major factors in these high-cost programs.

The other financial concern is what has happened in the mill rate setting process in Metro. The Metropolitan Separate School Board has traditionally waited until the Toronto board

has struck its mill rate and then has always set one fairly close; so the mill rates at the moment are fairly compatible.

However, if there is a lack of income to a board and more taxation has to come locally, then if it is providing lower-cost programs, there could be a substantial windfall for a board that it could apply to the mill rate. If one board still has high costs and another has costs that are gradually escalating over three years, initially, it could lead to the situation that one board could provide a lower mill rate than the other. As you know, that would lead to some mill rate competition, which is not desirable.

I was at a taxpayers' meeting last night, Harwood Ratepayers, talking about this very fact of the mill rate. The first thing they want to know is not constitutional and not philosophical. They want to know what is going to happen to the mill rate. They understand the mill rate far better than they understand the constitutional and legal issues. They did not ask me a question about the legal issues. They asked me what is going to happen to the mill rate.

The last thing you want is a mill rate competition, or call it what you will, in the Metro area. Over the last 15 years, the Bone commission has refined the process so there is an equal mill rate for boards that have low assessment. There is no need to talk to you about that. I am sure you are aware of the Metro situation.

We are asking that particular attention be given in the legislation to some form of uniform mill rate. That is not writing a blank cheque. I think it can be done. The mill rates should be set in concert and that should be addressed early in the year so there is not an undue delay in setting the mill rate.

When you look at the cost right across both the public and the separate system in Metro Toronto, you are looking at \$2.5 billion. That is a lot of money. We have not yet received even a preliminary report from the financing commission. Nobody seems to know exactly where the money is going to come from, which is one reason we are asking for deferral of the implementation until the full financial implications are known.

When it comes to guaranteed protection from increased local taxation, the government said in its brochure—there is a quote on page 12—that it wanted to provide the appropriate programs “without incurring an additional local tax burden.” We would like to assure taxpayers that if there is any local tax burden because of other

factors that does increase the local mill rate, it will not be as a result of the extension of funding.

There are three things. First, fundamental legislative grants have to compensate for the reduced revenue from loss of assessment; second, the mill rates have to be seen to be even; third, realistic fees for programs must be struck. We can calculate those on a communal basis, on a co-operative basis, so there are no shenanigans going on in the calculation.

**Mrs. Hainer:** The provisions of Bill 30 propose to grant wide powers to the planning and implementation commission which infringe on the role of public school board trustees. It undercuts the responsibility of the elected representative. To this board, establishing the planning and implementation commission at a distance from the ministry represents an abrogation of responsibility on the part of the province.

Trustees are elected and their primary responsibility is to exercise the stewardship of education on behalf of their communities. The role of the trustee has evolved significantly over the years since it was first defined in legislation. The bill, as currently written, erodes the stewardship role of the trustees, particularly in regard to their primary financial and program responsibilities.

The planning and implementation commission can make decisions that may or may not suit a community. After deciding an issue, the members of the commission can pack their bags and go away, leaving the local elected trustees to deal with their communities, either at that time or the next election. This is particularly insupportable in Metropolitan Toronto where provincial financial support to public school boards has declined to eight per cent. The bill proposes to grant the planning and implementation commission wide, sweeping powers without direct electoral accountability.

The legislation is ambiguous as to who will ultimately cause a copy of an order to be filed in the Supreme Court; it could be the commission, it could be the minister or Lieutenant Governor in Council. A more clearly defined political accountability is required in the legislation so the public knows precisely who is responsible for making the decision.

In the resolution of disputes between boards, subsection 136x(2), the planning and implementation commission has the responsibility to appoint a tribunal. One of the criteria on which the decision of the tribunal will be based is the promotion of the best interests of public education in Ontario.

It is submitted that locally elected trustees are best equipped to establish criteria for the best interests of public education in their community. This board believes that the proposed powers of this commission are too wide and that it would have no direct accountability to the electorate.

**10:30 a.m.**

**Mr. Phillips:** In looking at the structure in the future, we notice there is no window on the legislation for consolidated school boards or unified school boards. I know there are many names for that. I have worked in a board in which there has been such an arrangement, where there have been Roman Catholic schools, Church of England schools and Jewish parochial schools, all working together and a unified board that provides these services, for instance: computer services, transportation, purchasing, capital costs and maintenance. There is no provision at the moment in the legislation for that.

I think we should be futuristic and looking forward to that possibility of either a political alliance between boards or some form of joint management board. It is possible; it can work. I can make a submission later on if you wish as to how it has worked in other areas, not perhaps in Ontario. It has worked in Calgary. There were some problems in Calgary with the Calgary school board, but I think it can work.

I think there should be some window, some general permissive form of legislation, which is evolutionary in context, so by the time we come to the year 2000 we hope there will be a possibility. I think the legislation should give that window on that particular concept.

The flavour of the catholicity of a school can still be protected. It happens. It works and it can be done. We feel the omission of the concept of unified school boards from the bill will impede planning and inhibit co-operation for some years to come. We are looking 15 years down the line and we should have that perspective in public education. It would be good for our board if that concept could be more specifically addressed in the legislation.

Another factor that is causing us concern is adult and continuing education. In the last three years there has been a tremendous explosion in the enrolment of adults in our continuing education programs. Many of these people are recent immigrants.

They come to the school board. They do not know what their assessment is. They are living in rooms. If we go to some form of delineation of whether they are separate school board supporters or if we are to charge fees for this or for that,

with the administrative nightmare and the understanding of the community and the people who come to us at this time it is going to be very difficult to get across. Our continuing education adult programs are almost as large as our day school secondary programs. They are really burgeoning.

It is the philosophy of the minister that this continue. The publications and the philosophy of the ministry have been pointing us in this direction. What we are suggesting to the committee is that there be some provision in the legislation for public boards to continue the mandate of looking after adult and continuing education within the present frame. I am not talking about secondary summer schools, I am talking about the adult education, the general programs, the basic literacy, and those are already happening. Almost 10 per cent of our secondary school enrolment is adult education. These are people who are coming in, who have never had the chance. It is a very important part of our board.

We are asking if we could come to an arrangement such as that done back in 1967-68. I put the memorandum at the end of the brief so you can see it. The mandates of the community colleges and the boards of education were delineated to say: "Community colleges will look after these programs and the boards of education will look after programs like basic literacy and so on."

We would like some intent in the legislation that would say: "Boards of education will continue with adult education irrespective of assessment for a period of five or 10 years." We will bring 10 years down because 10 seems to be the magic time that people feel will be required for implementation because the transfer of secondary school assessment will certainly erode the financial base for us to do that. So we would like the committee to look at that.

**Mrs. Hainer:** The York Board of Education has always dealt with its responsibility as an employer with humanity, fairness and competence. Over the past few years of declining enrolment the board has been fairly successful in maintaining staff morale. Now before this matter has subsided the board is faced with another serious concern related to the welfare of its staff.

The board does not look forward to the tremendous complexity involved in identifying and designating teaching and support staff who will be displaced as a result of the funding extension. The York staff will look to the board for resolution of their concerns and not to a

remote Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario.

This brief does not deal with the technicalities of protecting staff but points instead to the briefs of the Metropolitan Toronto School Board and the Toronto Board of Education which delineate the complexity of the situation.

The teaching profession as a whole will be influenced dramatically by the proposed legislation. Future recruitment to the teaching profession of Roman Catholics and non-Roman Catholics must be fair, but under the proposed legislation, opportunities in the near future for non-Roman Catholic teachers will be less than easy.

**Mrs. Hen:** The aim of education must be to provide fair and equal service to the people of Ontario. The proposed bill appears to add layers of complexity to the process of enrolling pupils and assigning taxes. The process proposed is so cumbersome that the potential for competition between boards is magnified. Furthermore, all of this can only lead to an even further distancing of the people from their institutions.

To summarize, we would like to submit the following recommendations to the committee, the first two being our fundamental position:

1. Implementation of funding to Roman Catholic school boards for secondary programs be deferred pending passage of enabling legislation which is in harmony with the Charter of Rights and Freedoms;

2. The government of Ontario establish a royal commission to investigate and report on the role of public education in Ontario in order that the best interests of public education in Ontario be served;

Recommendations 3 to 11 are particular points that we feel are important before legislation can be enacted.

3. That legislative grants be adjusted to fully compensate public school boards for the loss of assessment to separate school boards;

4. The legislation address more specifically the question of tuition fees based on actual audited program costs;

5. The legislation ensure congruency between public school and separate school mill rates in this municipality for a period of 10 years;

6. Legislation guarantee that any loss of revenue not offset by legislative grants and realistic fees for service be compensated directly by the province and not through increased local taxes;

7. The role of the locally elected trustee be preserved;

8. The proposed planning and implementation commission be eliminated and any new planning and implementation body be directly accountable to the electorate;

9. Provision be made in the legislation for the establishment of consolidated school boards;

10. The mandate of public school boards to provide adult and continuing education programs be assured for a period of 10 years;

11. The legislation contain guarantees for the fair, equal and sensitive treatment of all staff.

**The Vice-Chairman:** Thank you very much. Are there any questions from the committee?

10:40 a.m.

**Mr. Villeneuve:** I thank the York board for a concerned and positive submission. We have had some concerned submissions in the past but there has been a lack of positive thinking from time to time.

I notice you do not touch on sharing facilities at all. Can you explain why you have not touched on it? Do you see any possibility of it? I know you have a larger than normal Catholic population. Do expand on that a bit for us, please.

**Mrs. Hainer:** At this point we do not share; we never have shared. We have looked into the possibility of it a couple of times but the separate school board was not interested in what we had to offer at those times. It was just a room in a school here or a couple of rooms there. We have never really negotiated with them anything they have wanted up to this point. Other than that, I do not think I can help in any way.

**Mr. Villeneuve:** So you suggest that possibly a unified board, or different panels under one board, may be able to address that in a more positive fashion than has occurred in the past?

**Mrs. Hainer:** It might.

**Mr. Villeneuve:** But that is not the answer.

**Mrs. Hainer:** No.

**The Vice-Chairman:** I would like to ask a question on that point. I am always confused when the words "unified," "consolidated" and numerous other terms have been used to describe this option. What does a unified school board mean to you? How do you envision the election of trustees with a unified school board system in effect?

**Mr. Phillips:** There are a number of ways. The ideal way would be to look forward to a revised municipal structure in approximately 10 years. In this structure all electors, both public

and separate, would appoint trustees to a board—say the Board of Education of the city of York. Obviously the selection of trustees would depend upon whom the electors would appoint.

Where a school within that jurisdiction has a particular religious direction—let us say a separate school—the curriculum and the catholicity of that school could be maintained by a board of governors. I am talking about a large secondary school.

A board of governors would consist of some lay people and some trustees. They would be the majority because they would have to report back to the particular board of education. Decisions on selection of staff for the school could be made by the board of governors. The curriculum content could be chosen by that board of governors to maintain the flavour of the curriculum whichever way they want. In that case it could be done on a co-operative basis. The maintenance aspects, if there are computers and so on, could be done irrespective of the makeup of the board. That has no religious connotation at all.

**The Vice-Chairman:** I want to get back to the makeup of the board because I do not understand what you are saying. When you say the electorate would appoint trustees, you are suggesting there would be one board and one voters' list. There would not be on the assessment rolls a designation of separate or public supporters. The protection of the separate schools would come through this board-of-governors concept.

**Mr. Phillips:** Yes. I think that is where things will go 20 or 25 years down the line if there is a revised municipal structure.

**Mr. Epp:** I want to get a clarification with respect to page 4, the economic aspects of support for the various school systems. I am not quite clear with respect to the last full paragraph. You say there are 134,000 ratepayers in York, that 67 per cent of these support the public system and 33 per cent support the separate school system. Then you say 44 per cent of the city's population are Roman Catholics and that 47 per cent of your public system is composed of Roman Catholics.

If you have 44 per cent of the population and, of that 134,000, 47 per cent are in the public system, that is fine. But then you have another 33 per cent who are in their own system.

**Mr. Phillips:** In the elementary.

**Mr. Epp:** In the elementary system? Oh, that was not in there. I did not understand that. Okay, that clarifies that point. Thank you.

There is another one. On page 10 you deal with the cost for technical education. Failing the fact that the government may not want to pay the full cost of the program, is there a backup system or is there something else, an average or some other way you would want it to compensate you for other than academic programs, technical and commercial, where you can establish the costs? For instance, you have established the cost of \$1,580 over and above the \$5,818 that are your average costs for the subsidy you get.

**Mr. Phillips:** At the moment the money comes in from Metro and from the assessment. I would not say the ministry should write us a blank cheque for the difference. That would not happen. I think we could work out a simple form of calculation in which the various components of different programs are isolated.

We then could come to an arrangement with the ministry that anything in excess of the average cost of \$5,198 would somehow or other come from a legislative grant. It could be a weighting factor or it could come as a direct, flow-through grant through the Metro Toronto board. Metro is our banker. The money does not come directly to us.

**Mr. Epp:** Would it be your recommendation that the public system have all the technical programs? What is your feeling on that, either technical and commercial, or technical or—

**Mr. Phillips:** No, I do not think the public school programs should have the mandate for technical programs. I think it is incumbent upon the separate school board to offer the range of programs its students want. What I would say is that initially what will happen is that that would probably gradually diminish as they go on. The Toronto brief indicated that 46 per cent of its students are in those technical programs.

Eventually, when accommodation becomes available, the separate school board would be able to put on technical programs as its numbers increase. The development of technical programs is a very slow process. There could be some provision that in the interim period, in the first three or four years, these programs could be purchased from public school boards. Business programs do not require all the technical facilities or the technical teachers.

**Mr. Epp:** I have two other short questions. With respect to your last week and a half of school, are your projections fairly close to the number of students you lost to the separate school system?

**Mr. Phillips:** Yes, I would say within plus or minus half of one per cent.

**Mr. Epp:** That is very close.

10:50 a.m.

**Mr. Phillips:** In the elementary, we are spot on. In secondary we are down a little. At this point, until September 30, the accuracy of any secondary school enrolment is always suspect. Many students are finishing off jobs. They feel that perhaps the first two weeks of school are not the most important, that it is better to get a little money, but they do filter back. They are coming in every day, particularly the adults. Between now and the end of this month, we will increase our adult day-school programs by at least 250. They come in until about October 15, so the September 30 date for the cutoff of enrolments for adult programs is not realistic with respect to what happens. You cannot legislate the way adults come in. They come in at any time. They have shift work. We have an extremely flexible system.

Perhaps for adult enrolments, the ministry should look at an enrolment date different from September 30. That date suits the regular day-school programs, and we have our problems with the ministry in the financial aspect. Our enrolments are holding up fairly well according to projections. We did project a loss to the separate school board, and it will be the end of October before we are able to trace everyone. We are tracing everyone who does not come in to find out what happened. I hope we will have a picture by the end of October as to what has happened regarding the transfer of students to the separate secondary at grade 11.

**Mr. Epp:** As you understand, that is not within our mandate, but there is somebody here from the ministry, and I am sure the ministry is taking that into consideration. Are you not, Mr. Mitchell?

On page 15, you speak about problems in Calgary. We are having someone from Edmonton come before us tomorrow to speak about the system in Edmonton and Alberta. In a few minutes, can you very quickly indicate what some of those problems are? Have you had first-hand experience in that?

**Mr. Phillips:** Yes. I talked to Jake Longmore who was the superintendent when this happened. If you remember, there was a committee of tolerance and understanding that was commissioned by the Alberta government to look into this problem.

It was possible for a public school board to provide the logistic services to Jewish parochial schools. There were two Jewish parochial schools that were under the consolidated board

concept with the Calgary board. That did not work out. In fact, an election was fought on that very issue. For those of you who know the problem, the parochial schools finally withdrew from the Calgary public board because of philosophical reasons, I guess.

What did happen, and this is quite ironic, was that the Jewish parochial schools then literally went across the road—in Calgary the public school board is on one side of the road and the Roman Catholic board is on the other side—and the Roman Catholic board is now providing the services the public school had provided for them.

That form of consolidation still occurs in Calgary. It was a very bitter political issue and resulted in the superintendent's leaving and so on. It does cause problems.

**Mr. Davis:** Coming back to those costs for technical and commercial and your calculation of the annual fee of \$1,580, is that what you expect the ministry to give you, or would you expect them to give you the \$5,198?

**Mr. Phillips:** I think what is not really explained here is that \$1,580 would be paid by an individual. If a board paid, we would expect the gross fee of \$5,198 would be paid by the separate school board in this case. If it purchased it, the separate school board would be paying \$5,198 which, according to a technical program, would amount to an estimated subsidy of approximately \$2,200. The figures are not clear. I can give you a better breakdown of the figures.

**Mr. Davis:** It is your expectation that if the coterminous separate board were to purchase either a technical or commercial, you would prefer it to pay the actual costs?

**Mr. Phillips:** It is the only way. Otherwise, the money would have to come from somewhere else.

**Mr. Davis:** How did you arrive at those actual costs?

**Mr. Phillips:** If you look at the way in which tech programs are organized, we are restricted by numbers. You can take a mathematics class with 31 to 32 students, and sometimes 35, depending on the mix. If you look at a technical shop, you cannot have more than 15 students in there, so your teacher costs are almost doubled. You are looking at the capital cost of equipment and materials, which are more expensive than textbooks. There are overheads and a lower pupil-teacher ratio in a technical program that you do not have in an academic program.

In a business program you are looking at word processing, and students are almost demanding

word processing capabilities and equipment. There is more sophisticated technology coming in. That is why our business costs are up. Where we have business practice and so on—I know that is not the right name now; they have changed it—we find classes have to be smaller and we have to have ancillary rooms nearby for word processing equipment to try to simulate actual office working conditions.

If you are going to provide a quality program, you have to have a lower pupil-teacher ratio and more equipment. The equipment lasts three or four years and that is it. There is a continual capital outlay.

**Mr. Davis:** Perhaps the ministry can supply the technical and commercial program costs as it perceives them. This issue has been raised several times by the various public boards appearing before us. I think it is imperative the committee understands what kind of cost factors are involved in the purchasing of services. If there are discrepancies, then at least we will have some opportunity to find out why they are so different. I believe this is the first time we have actually seen someone pull out those costs. They are interesting.

Do you have a school closure program?

**Mrs. Hainer:** We do not have a program to close. We have a policy to look at it that specifies what to do.

**Mr. Davis:** Do you have a trigger number?

**Mrs. Hainer:** Yes. There is a number of 150. We had the director take a look at it and bring back a report to the board.

**Mr. Davis:** That is elementary. What is your secondary trigger figure?

**Mrs. Hainer:** We do not have one.

**Mr. Phillips:** The trigger figure depends on the range of programs, such as at Frank Oke Secondary School, for instance, where we have a limited range. When we look at George Harvey Secondary School, where we have almost 100 different programs, the trigger number will depend on when we cannot offer that range. We will have to reduce the variety.

I would say the rule of thumb we have used is approximately between 650 and 800 for an academic program. For a technical program, we have to have about 1,200 because of the different range of technology. The new guidelines are just out. We are working on them now. We are not quite sure at what point we will have to call in that new range of technological studies.

**Mr. Davis:** Further to that question, have you closed any schools in your jurisdiction?

**Mrs. Hainer:** No.

**Mr. Davis:** Are any schools close to the review figure?

**Mrs. Hainer:** I think three elementary are close. Maybe one is 149 and one is 151.

**Mr. Davis:** What about secondary? Are there any that will be reviewed?

**Mrs. Hainer:** No.

**Mr. Davis:** Has the Ontario Schools, Intermediate and Senior Divisions program affected your registration of technical students?

**Mr. Phillips:** Yes, we would say it has. This is the first year and, as you know, there are more compulsory subjects. I do not know if you know what OSIS does. There are more compulsory subjects that are nontechnical now. Therefore, the number of periods in which a student is able to choose technology courses is more limited and fewer kids take them. In fact, this is the first year we have had surplus technical teachers, one of whom has had 27 years of service with our board and is declared surplus because we do not have the program. There is insufficient enrolment for it.

**Mr. Davis:** My final question deals with the transfer of teachers. As you are aware, if you have been reading the papers, the way Bill 30 is now, teachers who are declared redundant to your system due to the extension of funding will automatically go on a designated list and may transfer across, provided they meet the teaching qualifications.

**11 a.m.**

There was a suggestion we should look at volunteers, that an opportunity should be available to those people who would like to transfer over and teach in the coterminous secondary school panel. Let us assume it has places for five teachers and 15 in your system apply to go over. Do you feel comfortable with the scenario that the 15 teachers are then interviewed by the coterminous separate school people and they can select anywhere from one, zero, all the way up to five that they need out of those 15? The ones who are not selected then come back to your panel.

Do you believe you should first of all look at your needs of those individuals who have transferred and perhaps make your selection and say, of the 15 who are indicating they want to go over, there are five you think would not hurt your system if they moved over? Or do you think the transfer system should be based on seniority, so that if there are 15 who wish to transfer and there are five positions open and, out of those 15, nine

qualify for the coterminous board, they go by seniority? Do you want to take a crack at that?

**Mr. Phillips:** The difficulty is getting a match. There are two elements to your question. The first is to get a match between those who are declared surplus and what the requirement of the coterminous board is. In our experience of the match this year, what we have surplus, we are not able to identify that until after September 30 when we know the kids have gone. If we know the kids have gone, then we can identify. That is what Toronto said was a slip-year concept.

We could work it that way, but without seniority, it would breach our collective agreement. Seniority is the way in which they are going to be declared redundant. They can always voluntarily transfer. For us to take part in the—

**Mr. Davis:** But those volunteers would go on the designated list.

**Mr. Phillips:** The designated list is for those who are declared surplus. I do not think there is any room on it.

**Mr. Davis:** The new thrust that is being suggested to us, that the committee is looking at, is if they volunteer to go across, then they take up a designated position on that list. What I am asking is, does the separate coterminous board have the right to interview all who wish to transfer and make its selection, so that those it does not wish, for whatever reasons, come back into your system? Or do you have the right to decide which teachers can volunteer to go across, understanding your specific educational needs? If you do not want to tackle that, it is okay. It is a thorny issue.

**Mr. Phillips:** With regard to a person who wants to volunteer, many of the people who have volunteered from our system—and there were three who volunteered and moved to a separate school board—are people we have had to replace; so it does not help our position. One has gone to York, one has gone to Mississauga and I am not sure where the other one has gone. They were good teachers who felt they had an opportunity in an expanding system.

We have had to replace them; so that has not alleviated our surplus position or the intent of the bill as it is written now to ensure that people who are declared surplus as a result are looked after. I do not think it would work. It would lead to a lot of subjective rather than objective criteria coming into the selection.

**The Vice-Chairman:** I have been very lenient this morning regarding the time for questions because we have been trying to deal with some

other committee business at the same time. We have two other boards coming before us this morning as well, so I would ask members to try to be conscious of the time.

**Mr. Reycraft:** My question relates to the matter of funding of adult and continuing education programs. I wonder if you could tell us more about why you feel the fee payment structure will prove to be too cumbersome.

**Mr. Phillips:** Let us take the adult day school. We had 750 students last year. Many of the people are not able to converse in English. We can have interpreters. We found that many of the people do not know the complexities of assessment. In other words, are you a separate school supporter or are you a public school supporter? At the moment, we do not do that in adult education since it is not necessary because of all the assessment terms.

There will have to be a fairly lengthy counselling session beforehand to indicate that if you are a separate school supporter, you will have to pay fees and if you are a public school supporter you can come in open. Then we would have to say you or the separate school will have to pay a fee because it gets a secondary assessment which now caters for adult education.

To go through that process with people who have limited communication ability, particularly in our basic literacy program, is extremely cumbersome. It would be far better to say, "Here is an open door; come in and we can work out the arithmetic for you." They should not have that added burden of identification and going through the protocol of assessment.

It can be done if you say a board of education will have responsibility for adult education and basic literacy programs and various retraining programs we have in the city of York. If we do that, we can work on it in a block method and not discourage people. People are extremely discouraged when they come in; some are 70 and 80 years of age—they are the exception—but generally speaking they are in the 35-to-45 age group.

**Mr. Reycraft:** On the same matter, could you briefly explain to us the arrangement you are suggesting, the one resulting from the ministry memo of 1967-68?

**Mr. Phillips:** I think the minister would make a statement, as he does here, to indicate: "For adult and continuing education, the mandate of a board of education is as follows: First, to provide basic literacy programs; second, to provide general-interest programs for adults."

The normal continuing education programs of summer schools—for instance, for students who

are taking diplomas—could still be undertaken by the respective boards. A separate school board could run its own secondary school programs, but anything beyond the diploma process for secondary school students who are under 21 would be run by the respective boards. The public school board should run the diploma programs for those over 21; it already has the facilities and the knowhow.

This is a loose mandate that was worked out with the community colleges. We sat down and said: "What programs are you running? We are running these programs. You have the knowhow, the teachers and the range of equipment needed to run these programs; you run them and you will be funded."

We used to run the OTEC programs, the Ontario technical education certificate programs. We said to the community colleges: "You have the facilities; now you run those programs." We came to an understanding as a result of a memorandum of guidance from the ministry which would be more definitive than what I have talked about because we had to sit down and work it out. "Our understanding is that these programs are run by you, and you will be funded fully for them; these programs up to this age level could be run by either coterminous secondary school board."

Does that help you, sir?

**Mr. Reycraft:** I think so. In essence, the province is picking up what would otherwise be the property tax portion of the funding of that.

**Mr. Phillips:** Yes. We could later make an assessment of who are separate school supporters. That would come some way down the line for the bookkeeping. But when they come to your door, you do not discourage them when they ask which assessment you are. You do not say: "Pardon? What do you mean by assessment?" Many of these people live in rooms and apartments and do not know what the assessment is. Five people might be living in a house—there are many multiple dwellings—and they do not know whether the owner is assessed as a separate or public school supporter.

We put roadblocks before people. If we say when they come to us, "I am sorry, you cannot; fill in this blue form," they are going to go away.

11:10 a.m.

**Mr. Reycraft:** What is the current level of financial support by the ministry for the con-ed program?

**Mr. Phillips:** It comes via the secondary school grant structure. For a full-time equivalent,

we get a full-time equivalent grant. For instance, for every 975 hours approximately we get the equivalent of one full-time secondary school enrolled person. We add the number of hours. If we have 9,750 hours, that is equal to 10 full-time equivalents and we get the grant for 10 full-time equivalents from the ministry. If it is worked on that basis—it could be—it is a bookkeeping operation.

**The Vice-Chairman:** Thank you very much. You have raised a number of issues that, as you have said, other boards have raised as well. Your brief has been most helpful. When you see the final copy of the bill, some of the issues you addressed will be dealt with, I hope to your satisfaction, so it will be helpful to your board in its implementation as well.

**Mr. Phillips:** Thank you very much for the opportunity.

**The Vice-Chairman:** The next presentation is from the Metro Catholic teachers, exhibit 616.

Could we maintain order so we could get right into the next brief? If anyone wants to have a conversation, I prefer that it be done in the hallway.

Welcome to the committee. Proceed at your convenience.

#### METRO CATHOLIC TEACHERS, ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

**Mr. Pollock:** Thank you, Mr. Chairman, I would like to introduce, to my right, Miss Beverly Saskoley, who is president of the Metro elementary unit of the Ontario English Catholic Teachers' Association, and to my left, John Ware, who is principal of Monsignor Percy Johnson Catholic Secondary School.

My name is Greg Pollock, and I am president of the Toronto Secondary School Catholic Teachers of the Ontario English Catholic Teachers' Association.

The Metro Catholic teachers represent some 5,500 men and women employed by the Metropolitan Separate School Board who are members of either the Metro elementary or Toronto high units of the Ontario English Catholic Teachers' Association.

We welcome this opportunity to present our views on Bill 30, An Act to amend the Education Act, to the standing committee.

Our units comprise the Liberal, Conservative and New Democratic parties for their commitment to full funding of Roman Catholic separate secondary schools.

Our members provide a Catholic education to more than 95,000 students at 189 elementary and 30 secondary schools in Metropolitan Toronto.

Despite fiscal inequities, inadequate physical plants and declining and shifting enrolment in public education, our system is an expanding and vibrant contributor to the educational mosaic of Metropolitan Toronto.

The growth of the Metropolitan Toronto School Board from 18,500 in 1953 to our present 95,000 is clear testimony to the popularity of our schools with those who value our philosophical approach and regard the education we provide as essential to modern-day Christian living.

Our teachers are dedicated to providing an education that meets the goals and objectives outlined by the Ministry of Education. In addition, we are firmly committed to students' spiritual growth and to development of personal skills and attitudes that provide values needed to contend with our changing society. It is this commitment by our members that gives our schools their unique character.

The Metro Catholic teachers believe the provisions of Bill 30 are for the most part satisfactory and we are appreciative of attempts to ensure fairness to all. It is appropriate that the bill concerns itself with just treatment. This present, fair approach in the legislation contrasts more than a century of inequity over separate school funding in Ontario in spite of vigorous and ongoing lobbying by the Catholic community.

We have taken solace in the struggle for full funding of our system by looking at the approach our sister province, Quebec, has taken on this issue since Confederation and before. Now, with Bill 30, the injustices of the past can be laid to rest.

The Metro Catholic teachers urge the social development committee throughout its deliberations to keep foremost in its mind the fact that Bill 30 addresses only a two-year extension of funding to a system that is deeply rooted in history and integral to the educational fabric of this province. This legislation will finally allow us to become full partners in the Ontario educational system.

It is imperative that the spirit of the bill not be jeopardized by revision. We are in general accord with the six principles stipulated by the Minister of Education (Mr. Conway) as embodied in the proposals of Bill 30 and feel they demonstrate fairness to all affected by the completion of separate secondary funding.

This brief will focus on those items of particular concern to us in Metropolitan Toronto.

The third principle is that "in implementing this policy the interests of students in all our schools must be first and foremost."

Subsection 136o(1) accords pupils in public secondary schools the right to attend Catholic secondary schools provided that both boards are in the same area of jurisdiction and that accommodation is available as certified by the director of education.

Subsection 136o(6) provides for exemptions from religious programs and courses of study in religious education in a Catholic school for non-Catholic students who must attend a Catholic secondary school.

Our membership is of the view that the exemptions from religious programs and courses of study are as broad as is necessary for the interests of the students concerned. In Metro, we believe very few non-Catholic students will attend Catholic schools for reasons of program, distance or handicap. A non-Catholic student in Metro who voluntarily attends a Catholic secondary school is best served by participating fully in the Christ-centred atmosphere of that school to feel at one with the entire community.

While endorsing the concepts of subsections 136o(1) and 136o(6), our units of OECTA make the following observations with respect to available accommodation.

Our secondary system consists of 30 schools, all of which, save one, were built to elementary school standards or were constructed to provide for private school students. Many of the classrooms in our secondary schools are in portable facilities. One need only visit these schools to grasp the severity of our accommodation problem.

If the basis of the third principle—providing for "the interests of students in all our schools"—is to be met, then more-adequate accommodation must be afforded both those students in the system now and those who wish to attend. While we would welcome more funds to provide these facilities, we agree with the intent of then-Premier William Davis on the point that public moneys are not inexhaustible.

There can be no question that there are existing facilities currently underutilized by the public secondary systems in this metropolitan area as a result of student population decline. The following data regarding the Toronto Board of Education well illustrate this point.

As of September 30, 1984, of the Toronto board's 29 secondary schools, two have been converted into adult learning centres and 10 have less than 60 per cent occupancy. Over the next

five years, the statistics indicate that occupancy rates in most of the Toronto board's secondary schools will continue to decline. This will occur irrespective of completion.

It would seem apparent the other boards of education in Metro have also had and will continue to experience similar impact on the use of their facilities. Therefore, we believe section 136w, which provides a mechanism through which a separate or public board may request a transfer of property from one to the other, is necessary to help alleviate the problem of inadequate accommodation.

Miss Saskoley will now continue with the rest of the brief.

**11:20 a.m.**

**Miss Saskoley:** Our membership commends the Minister of Education for addressing the fourth principle of Bill 30, that of "no unemployment as a direct result of the policy extending funding."

The Metro Catholic teachers believe that to facilitate the transfer of public secondary teachers, the concept of designated positions rather than persons should be adopted in section 136l. This process would enable both boards to better assess and match their staffing requirements.

It is our position that those teachers volunteering to move to the separate board should be considered as part of the designated list and afforded full protection under Bill 30. Volunteer teachers would assuredly be committed to fulfilling the expectations of the separate board and would enter the new system in a spirit of enthusiasm and acceptance of its inherent values. As well, the opportunity for older teachers to transfer to the separate system would give the public boards a means of retaining a number of younger staff members in their teaching forces.

The Metro Catholic teachers submit that subsection 136l(10), which guarantees salaries for designated teachers, is not clear enough. This provision must ensure that the salaries of such teachers be red-circled until Roman Catholic school board pay scales reach those of the coterminous board. The language must be revised to reflect the ministry's stated intent of normal red-circling.

Although suggestions have been made to this committee that there are significant teacher salary discrepancies between public and separate boards, in our area this is not a fact.

In Metropolitan Toronto, for the 1984-85 collective agreements, the maximum salary grids for teachers with 10 years' experience in category 4—we believe the vast majority of

secondary teachers in both boards fall into that grouping—were, for the Metropolitan Toronto School Board, \$44,127, and for the Metropolitan Separate School Board, \$44,122.

That is very near parity, which has been the traditional relationship between separate and public school salaries in Metropolitan Toronto for the past decade.

However, there is greater disparity with regard to salaries for positions of responsibility, class sizes and working conditions. When Bill 30 becomes law and the commission on the financing of elementary and secondary education in Ontario makes its recommendations for fairer allocation of funds, we anticipate these inequities between the boards will disappear. The Metro units of OECTA look forward to the righting of these discrepancies and to negotiating improved conditions of employment for the benefit of our students and staffs.

Our final comment on the provisions that affect teachers refers to subsections 136m(1) to (15).

The proposal for arbitration of staff disputes is unacceptable as currently written. There is a lack of clarity as to who the parties to the dispute might be. Our teachers' association must have the right to intervene as an interested body. Since both the School Boards and Teachers Collective Negotiations Act and the Labour Relations Act contain provisions regarding powers of arbitrators that have proved their worth, we suggest Bill 30 follow these examples. There also must be a clear statement as to burden of proof in the dispute.

Both our respective units applaud the inclusion of the fifth principle as stated by the Minister of Education, "that the distinctive mission of the Roman Catholic separate school system must be maintained." Its intent, we know, is the preservation of the Roman Catholic school system in our province.

This "distinctive mission" is the foundation upon which a strong and vibrant Catholic education has been based. Our schools aim to integrate the teachings, life and example of Jesus Christ into their very fabric. The schools in which we teach are Christian communities where living, loving, learning and understanding go hand in hand.

As the preamble to Bill 30 states, "Roman Catholic separate schools have become a significant part of the school system in Ontario." Clauses 136o(6)(a) and (b) ensure that Roman Catholic separate school systems will continue their distinctive mission.

The Metro Catholic teachers would like to express thanks for the opportunity to appear before the committee. We wish you success in your endeavours and trust you will ensure that Bill 30 is implemented in the spirit in which it was created.

**Mr. Davis:** Thank you for your excellent brief. I have a couple of questions I would like to ask you in respect of your brief.

On page 4 you talk about section 136w, "which provides a mechanism through which a separate or public board may request a transfer of property." In your opinion, what would be fair compensation for the transfer of property and equipment of the public secondary school to the separate school?

**Mr. Pollock:** We have not taken into account the fair compensation. We have not looked at the details. There has been a suggestion that Catholic ratepayers across the province, because they have to support public secondary schools, have paid for a lot of the construction of these schools and also paid through capital costs. Much of the money has come out of general revenue of the province. However, we have not explored the details of how the actual compensation would occur and how value would be determined.

**Mr. Davis:** But you think it would be fair to say that it would be more than \$1?

**Mr. Pollock:** I am not even sure that is the case. Maybe the moneys have already been put in by the Catholics.

**Mr. Davis:** It seems to me—this is a suggestion—your organization should at some point have some concept of what you think is fair and equitable, especially since the briefs we have been reading from coterminous separate school boards suggest there should be a fair and equitable transfer of funds if a private institution or one owned by an archdiocese is transferred into the separate school system. We need to look at that.

I have a question regarding the transfer of teachers. It is the hypothetical case of a teacher who is transferring across panels, a volunteer. This teacher has been teaching history for 14 years, but he is a certified intermediate- or senior-level generalist and on his certification is the right to teach mathematics. A coterminous separate board is now looking for a math teacher, and this individual applies. Must the coterminous secondary separate panel accept him as a qualified teacher?

**Miss Saskoley:** Perhaps I could ask Mr. Ware to answer that question. He has had experience in hiring.

**Mr. Ware:** You described him as a teacher of history, and then you described him as a generalist on his certificate. I am not sure exactly what you mean by that. Do you mean he holds qualifications to teach mathematics?

**Mr. Davis:** Yes, that is exactly what I mean.

**Mr. Ware:** So he would not be a generalist. He would hold qualifications in—

**Mr. Davis:** He is qualified to teach grades 9 to 13.

**Mr. Ware:** In mathematics.

**Mr. Davis:** In mathematics; but he has been teaching history, for which he is also qualified. Does he qualify to come across, and will the separate school hire him?

**Mr. Ware:** He would be qualified to come across, and he would be qualified to teach mathematics. It depends on whether other teachers are available. For example, if he came from the designated list of volunteers, I presume he would have the right to be hired. He would have the opportunity to be interviewed and to be considered for the job. He would have the same—

**Mr. Davis:** That is not what I am asking you. I am asking you whether he would be hired.

**Mr. Ware:** If he were qualified and the best teacher, I think he would be.

11:30 a.m.

**Mr. Davis:** The only qualifications that Bill 30 lists for the transfer of personnel are their teaching qualifications, certified by the ministry.

**Mr. Ware:** Then he would be qualified.

**Mr. Davis:** Therefore, the coterminous secondary board could not turn him down if he volunteered to go across.

**Mr. Ware:** If he were qualified and met the requirements, he would be qualified.

**Mr. Davis:** What requirements?

**Mr. Ware:** That he holds a teacher's qualifications.

**Mr. Davis:** I have already said that.

**Mr. Ware:** Then he would be qualified; he would be acceptable.

**Mr. Davis:** And he would be hired.

**Mr. Ware:** If he were the one person for the job, I would imagine he would be hired.

**Mr. Davis:** Let us say there were two people for the job.

**Mr. Ware:** There were two qualified people?

**Mr. Davis:** Let us say this person was qualified, he had been teaching for 14 years, and the other person who also volunteered to come

across was a math teacher and had been teaching for two years.

**Mr. Ware:** Then again we would have to go back to the qualifications. If the man held a specialist position and I wanted someone to teach in a senior position, I might look at the person with the two or three years, depending on the situation. There was a time in the province when a man holding a general certificate—as you called it, a generalist—to teach mathematics would not have been qualified to teach a senior class. It would depend on what I wanted him to do.

**Mr. Davis:** Both of the people I have in mind are qualified to teach senior classes.

**Mr. Ware:** Then again, on the basis of your stipulations, if they were both equally qualified I would presume you would look at the senior person.

**The Acting Chairman (Mr. Reville):** You are not going to design any more teachers?

**Mr. Davis:** I think we have a problem designing that teacher, and that is one of the realities this committee is going to have to deal with.

**Mr. O'Connor:** That is a controversial subject.

If I may refer to page 3, you made reference to the space problems you currently have in your system in Metro and to the number of portables. Can you be more specific and tell us either in numbers or in percentages how many of your students are in portables and how many portables you have in the system? Also, can you expand a little further on your building plans in terms of what you had in mind to relieve this situation before this bill came along?

**Mr. Pollock:** First of all, I should mention that I am not here representing the board; I am here representing the teachers. I do not have access to all those statistics, so I cannot pinpoint an actual percentage of our students who are in portable facilities. However, it is significant. I have spent my entire teaching career in a portable facility; I have never been in a brick-and-mortar building. I teach at probably the largest Catholic secondary school in Canada, Michael Power/St. Joseph High School, and probably 35 per cent of our students are in portable facilities.

With respect to accommodation, if we are going to build buildings, money will have to come from the province, and it is my understanding the province is not in a position to free up significant amounts of money. I do not see a need for it when you start looking at the available accommodation in the public system. It would be

senseless to build new buildings when there are existing facilities within the metropolitan area.

**Mr. O'Connor:** That is what I was getting to. In the area I represent, Oakville, our separate school board is undertaking an expansion program that will increase the number of Catholic high schools from one at present to five by 1990, and it is anticipated that one or perhaps two of those will be purchased or transferred from the public school system. Have there been any negotiations or any of that type of thought in your jurisdiction? Perhaps as teachers you do not know, but you do refer to it in your brief.

**Mr. Pollock:** I do know there has been some limited discussion between the coterminous boards. Of course, most of the coterminous boards were not co-operating with the Metropolitan Separate School Board in the transfer of teachers. There has also been little discussion concerning facilities. Recently, however, we have leased Alderwood Collegiate Institute in the south end of Etobicoke, and a few years ago we purchased another collegiate institute from the Etobicoke Board of Education, Don Bosco, which was known at the time as Keiller MacKay.

I would not think the projected enrolment increases would be as significant in Metropolitan Toronto as they would be in, say, the Oakville area, simply because the retention rate of Catholic secondary school students from grade 8 to grade 9 is already fairly high. We also retain a significant number from grade 10 to 11; we are talking in the 80 per cent range. Because there is not a large projection in terms of overall enrolment from the elementary system to the secondary system over the next 10 years, I cannot see a large growth in the Catholic secondary school system in Metro in the next 10 years.

**Mr. Villeneuve:** On page 3 of your brief you touch on accessibility and religious education. The Metropolitan Toronto scenario is very different from that of the great riding I represent, for example. My metropolis has a total population of slightly more than 3,000 people; the communities are all one-school towns. Would you have any problem if accessibility were unlimited for Catholics and non-Catholics in the separate system?

**Mr. Ware:** We would have to look at a specific example. If you have a one-high-school town and 60 per cent of the population are separate school supporters and want a Catholic high school—I think that is the scenario you are suggesting—there will be unlimited access because of the availability of the spaces.

That would have to be worked out in the local jurisdiction. I do not think it would present any major problems, but it is going to have to be worked out locally.

**Mr. Villeneuve:** This is very much the situation in rural Ontario.

When you underline "must," what is a "must"? Would location become a must? I have a little problem with that.

**Mr. Ware:** We are talking about who must attend a Catholic secondary school. You are looking at a scenario where a town in northern Ontario decides it wants to have a Catholic high school. If 80 per cent of the taxpayers in the area supported the separate school system and wanted a Catholic high school, you might have a situation where 20 per cent of the students in the enrolment would have to go to the local Catholic high school rather than being bused 400 miles or dropping out.

**Mr. Villeneuve:** Let us make it 60 miles or 40 miles. It is not a must, it is always possible to go to the other; but it is not very logical.

**Mr. Ware:** That is the way we stated the must. We felt they would apply for admission to the local high school. For most of the parents, there would be no alternative.

**Mr. Davis:** I have a supplementary question on the same point; as an educationalist, I do not mind who answers it.

Let us say you have a single-unit high school in one of the 184 jurisdictions across this province; the enrolment is around 500, with 250 students who are separate school supporters and 250 who are public school supporters. From an educational point of view only, do you think it is valid to divide that school into two separate, complete units in that building to deliver educational programs? Indeed, could you deliver a quality educational program to 250 students that would be at least equal to the program now being delivered to the 500?

**Mr. Ware:** That is a good question; it is an honest question. There are great arguments and discussions going on in this province about what is the optimum or viable size of a high school. We have heard some comments even this morning that some people might question the size for various programs.

Obviously, when you get below 500, you are going to have problems in offering a breadth of programs. Some of the communities in northern Ontario are in that situation already. Local authorities would have to work out the joint organization of that school.

I am answering this somewhat personally. If an isolated community had a French high school of 200, an English Catholic high school of 200 and a public school of 150, and they were in different parts of the town, it would seem nonsensical from a program point of view. We have a question of size and viability.

**Mr. Davis:** That is what I wanted to ask. So, to deliver quality programs, somehow we would have to arrange to integrate the programs, whether it is your kind of hypothetical case or mine. Thank you very much.

11:40 a.m.

**Mr. Reville:** I would like you to train your minds on this question of exemptions from religious programs and courses of study which you speak to on page 3 of your brief and which is dealt with in the bill by subsections 136o(6) and (7).

You feel the bill now provides broad enough exemptions. I tend to agree with you that. In the Metro context, it probably is unlikely that a non-Roman-Catholic student will be in one of your schools because of distance, terrain, handicap or program.

However, surely there are situations within Metro, particularly in the suburban areas, where a Roman Catholic secondary school may be across a major thoroughfare from a public secondary school and the dividing line for the communities is that major thoroughfare.

There may be a non-Roman Catholic student who, by virtue of living on the one side of the artery and by virtue of his or her peer group, may elect to go the Roman Catholic separate school. Subsection (7) says that student may be exempted. Would you have a problem with that student being absolutely entitled to an exemption if the application were made?

**Mr. Ware:** I am not entirely sure I understand your question.

For example, we have Victoria Park dividing Scarborough from Toronto.

**Mr. Reville:** That would be a good example.

**Mr. Ware:** Let us say we have a student who is coming from Scarborough to Senator O'Connor, which is in North York. Is he coming for a particular program or he is coming just because of his friends?

**Mr. Reville:** He may be coming because it is convenient.

**Mr. Ware:** Okay; then he is volunteering.

**Mr. Reville:** Yes.

**Mr. Ware:** Then he should not be subject to the exemption as stated. He is coming because he

wants to come to the program; he wants to be part of that community. I would not think exemption from the religious education program and the activities in the school would make much sense in that situation.

**Mr. Reville:** We have heard a lot of evidence that suggests the moral and religious values are carried in all the programs of instruction. Obviously you could not get an exemption from that, because the mission of the separate school system is being delivered in all the courses. You would still think it would be appropriate for that student also to take the specifically religious courses?

**Mr. Ware:** What you are talking about is something that has traditionally gone on. I have been teaching for 25 years in a Catholic high school, and we have always had non-Catholic students who have wanted to come.

In the example you are quoting, we have always had non-Catholic students in our elementary schools who wanted to come, and they have always shared in the whole religious education. They have not necessarily shared in the sacramental rite that goes along with the school, but they have always felt a part of that community. That has been an integral and important part of our schools; it is part of the contribution.

**Mr. Reville:** Do you have an exemption procedure in place now for those non-Catholic students?

**Mr. Ware:** I presume there is some type of exemption procedure with the board in the case of particular programs, but I am not sure whether there are any actual cases.

**Mr. Reville:** If there is one, you are not sure what the take-up of it is.

**Mr. Ware:** No. My association has been largely with the secondary schools, and I have never been in that situation.

**The Vice-Chairman:** Are there other questions from the committee? If not, I appreciate your coming forward. I am sorry I had to sneak out during your presentation. Thank you very much.

The next presentation this morning is from the Waterloo County Board of Education. Welcome to the committee. Mrs. Witmer, will you proceed?

#### WATERLOO COUNTY BOARD OF EDUCATION

**Mrs. Witmer:** The Waterloo County Board of Education welcomes this opportunity to state its position regarding the proposed extension of

public funding to Roman Catholic secondary schools.

I should state at the outset that when we made our presentation to the members of the planning and implementation commission in February 1985, they stated the extension of separate school funding was a closed issue from their perspective and they recommended that we express our opinions about the concept of funding to the members of the Legislature. Thus, we come today with a sense of trust that a final decision to extend funding to separate schools has not yet been made and that you will listen as we state our position.

As acknowledged, I am Elizabeth Witmer, chairman of the board. Accompanying me today are Sue Coulter, trustee, and Mr. Townsend, director of education and secretary. There are other members of the board with us. Before I deal with the document in front of you, I would like to make a few introductory comments.

First, the Waterloo County Board of Education, like many of its counterparts across the province, remains very concerned about the lack of consultation between the government, the Ministry of Education and the boards of education regarding this major change in education.

In the introduction of Bill 82, and more recently in the new policy for secondary school organization reflected in the Ontario Schools, Intermediate and Senior document, there was a great deal of discussion, communication and collaboration with boards. This dialogue and co-operation resulted in well-timed and comprehensive implementation plans.

It is ironic and most distressing that the secondary school funding issue, which has such major implications for the people in this province, was not afforded any degree of prior dialogue or consultation.

Second, the Waterloo County Board of Education believes in the precepts of democracy, freedom and the fundamental values of a pluralistic society. It also believes the public education system has been founded on these precepts and values and that its schools, teachers and students reflect the philosophy of this pluralistic society, where shared experiences are focused upon fostering a multicultural, multiracial and multilingual community.

However, as a result of separate school funding, there will be fewer opportunities for these shared experiences among the citizens of this province. Indeed, there is going to be more emphasis on what makes us different.

**11:50 a.m.**

Third, we are very concerned about the many hours our staff and trustees have spent in an attempt to implement separate school funding smoothly, although we are fundamentally opposed to the legislation.

The position of our board is not something we have arrived at quickly or easily. I would like to repeat that. It has been very difficult. We established board committees and developed briefs for submission to the three provincial commissions. We developed an impact statement, which we submitted to the planning and implementation commission. We did communicate and we did co-operate with our sister board. Indeed, we have a long and proud history of co-operation with our separate school colleagues in Waterloo county.

However, while we respect the current autonomy with which separate school boards conduct their business and determine their policies, and while we can appreciate the enthusiastic support of these boards and the Roman Catholic church for extended funding, we also believe that public school boards and their supporters—which include people of every race and every creed—have the right and the responsibility to determine and state their position independently.

On April 30, 1985, our board decided to pass a resolution to suspend all negotiations with the separate board until such time as Bill 30 was passed into legislation and the legality of the legislation was resolved in the courts.

Let us now focus our attention on the brief in front of you. The position contained in the brief was arrived at on August 29, 1985, at an official board meeting. At this meeting, as at all others where the separate school funding issue has been discussed, there was tension and emotionalism. Our board has never before experienced the divisiveness between public and separate school trustees which this issue has generated, and we fear it is going to occur more often in the future as our loyalties are strained and our differences are accentuated.

Looking at the brief in front of you, you can discern from its brevity that we have deliberately chosen not to address many of the concerns we have with the mechanics of the bill. However, we do have concerns, and we have made them known to such groups as the Association of Large School Boards of Ontario, which will be making a presentation to you in the near future.

We have chosen, instead, to focus on what we believe are the fundamental issues regarding the

proposed policy and what actions we believe the committee should recommend.

If you will turn to page 1, we have provided you with some background information about public education in Waterloo county. As you can see, we are the eighth largest public school board in Canada and the fifth largest in Ontario. We operate 15 secondary schools and 90 elementary. Our enrolment is close to 50,000 students.

Our special education program is considered one of the most extensive in Canada. We operate a French immersion program. In continuing education, we offer heritage language classes in 15 different languages. We have a summer school for the performing arts. We have an Even Start program which prepares children for kindergarten. Our driver education program was the first of its kind established in Canada.

We are the largest employer in the region of Waterloo, with a total of 5,710 full-time and part-time staff members. Our operating budget for 1985 was more than \$187 million.

On page 2 is the position we arrived at on August 29. The Waterloo County Board of Education opposes the extension of funding to separate secondary schools, urges the withdrawal of the proposed bill and recommends that a royal commission on education be established to study and make recommendations on all aspects of elementary and secondary education in the province, with a particular focus on legislation, governance and finance.

Below our position, we have expressed our concerns that led to the establishment of this position. There are five areas of concern: educational, social, political, economic and financial and constitutional.

Let me begin with the educational concerns:

1. There will not be any additional educational opportunities available for any students in this province.

2. There will be a reduction in the number of courses available to students in this province because of the reduction in the number of students in many of our schools.

3. If the courts rule that the government does not have the legal authority to implement Bill 30 or to provide interim financing, there is going to be a major disruption for the students, boards, parents and taxpayers.

4. We are very concerned that the nondenominational public school system could become the "system of last resort." Schools such as those of religious denominations will have an advantage over the pluralistic, nondenominational schools.

5. We are concerned that increased financial support by the provincial government to the schools of a particular religious group may give that group a direct influence on provincial education policy that would be less available to other groups.

On page 3 we list some of the social concerns:

1. The granting of funding to separate secondary schools could lead to the funding of secondary schools of religious and other groups, either out of a sense of fair play or because of the legal implications of the Canadian Charter of Rights and Freedoms.

2. Fragmentation of secondary schooling in the province supported by public funding will reduce the likelihood of members of diverse groups having significant shared experiences from which they are able to derive an understanding of each other and to develop common societal goals.

3. The funding is going to increase the opportunities for groups to emphasize what makes them different, when common sense suggests that what is needed today, not only in Ontario but also in Canada, is increased opportunities for all of us to emphasize what we have in common.

Our political concerns include:

1. The manner in which the funding issue was introduced. It would seem to be politically expedient since the date of introduction to encourage discussion on the mechanics of implementation and to discourage discussion on the validity of the concept.

2. Many citizens have been opposed to the extension of funding, and yet they have little or no representation on this topic in the Ontario Legislature. In the last election all three parties supported extension, so they had no alternative vote.

3. The submission by boards of their impact statements does not mean the boards support the extension of funding. We are concerned because we feel that has been misunderstood in some instances.

We also have economical and financial concerns:

1. The percentage of education costs covered by provincial funding has declined. The province must pay for any increase in costs that results from the extension of funding. It does not seem fair to us to expect municipal taxpayers, who have little or no input into the decision to extend funding, to pay for the extra cost.

2. Separate school assessment, currently directed to support public schools, will be

redirected, and for all boards there is going to be a substantial loss of local tax support for public schools.

3. Given the current balance between provincial and local revenue, the proposed legislation will substantially increase the tax burden on public school supporters unless we reduce the level of services we are currently providing.

4. There is going to be a costly duplication of educational services unless the Roman Catholic systems buy programs from the public boards.

5. If that is the case, the systems should pay the actual costs of delivering such programs and not the lesser of that cost and the fee calculated, because we suspect many of the programs they will want to buy from public boards are going to be the high-cost programs, such as those in the technical areas.

## 12 noon

6. In our county we are over capacity, and even with the decline in the number of Roman Catholic students in our schools, we do not have any surplus space to give them. They also do not have any surplus space; they are also operating over capacity. Therefore, there is going to be a need to construct new space to accommodate these students, and the total cost of education is going to increase.

Our last concerns are the constitutional ones:

1. No action should be initiated until a final decision has been made by the courts on the constitutionality of this matter. Any prior action would be an insult both to the courts and to those people who oppose the extension of funding.

2. A court judgement should be sought on the implications of the extension of funding to Roman Catholic secondary schools for the secondary schooling of other religious groups if the province truly intends not to risk fragmenting secondary schooling in this province.

3. There is reasonable doubt as to whether the cabinet has the legislative authority to promulgate regulations related to the funding of Roman Catholic secondary school boards.

**Miss Coulter:** Finally, our recommendations: The Waterloo County Board of Education recommends that:

1. Interim funding to Roman Catholic school boards not be provided.

2. Bill 30, An Act to amend the Education Act, be withdrawn.

3. A royal commission on education be established to study and make recommendations on all aspects of elementary and secondary education in Ontario, with a particular focus on legislation, governance and finance.

The Waterloo County Board of Education urges, if the bill is not withdrawn, that interim funding to the Roman Catholic school boards not be provided; that any further consideration of Bill 30 be delayed until its constitutionality has been clarified, the precise implications of the bill, if it is declared to be constitutional, for the secondary schools of other religious groups have been determined, and the full impact on public secondary schools has been determined and communicated to the public.

If the decision is made to proceed with the legislation, amendments to the bill should require that each student be granted access to the system of his or her choice so that each student will have access to the system in which he or she may best develop his or her full potential; that there be no required religious instruction; that all staff positions within the separate school system be accessible to qualified non-Roman-Catholics; and that the coterminous boards share a broad range of out-of-school services—for example, transportation, purchasing, personnel services, etc.

**Mrs. Witmer:** In closing, I would like to emphasize that we would like to do much more to meet the needs of the students in Waterloo county but we cannot because we do not have the financial resources. We are doing a good job in special education, but there is much that remains to be done.

We question whether there is a single board of education in Ontario that can stand up and publicly state that Bill 82 has been fully implemented. Although the will to do so is there, financial resources are not available and appear to be further threatened.

We would like more adequately to address our capital allocations, to upgrade facilities to meet program, health, safety and fire regulations, but we do not have the financial resources. We would like to respond to all the identified needs in the area of continuing education, but the financial resources are not available.

At the present time we believe the province's contribution to the financing of elementary and secondary school education is inadequate and we cannot adequately address current needs, given existing resources. Therefore, we are very much in opposition to the additional financial burden that will result from the implementation of the proposed policy, which is going to result in a duplication of the secondary school system.

In conclusion, we are relying on your good judgement and wisdom in considering our identified concerns and our subsequent recom-

mendations. We hope the education system in Ontario will continue to provide a quality educational experience for all its students in an equitable and fair manner. You can be assured we will do all we can do to make sure this happens.

**The Acting Chairman (Mr. Reville):** Mrs. Witmer, I am sure the committee appreciates your brevity and conciseness.

**Mr. Davis:** I concur with that statement of the chairman.

I want to take you to your implementation statement. I have two questions. First, I would like you to comment on how your board felt and on what impact there was when your coterminous separate school board hired 29 elementary teachers and moved them up into its secondary panel.

**Mr. Townsend:** As Mrs. Witmer indicated, we have had very co-operative relations with our colleague board. We were disappointed that act took place as it did, without our knowledge, because we believe it is potentially going to close positions that might need to be available for teachers who would subsequently be surplus to our system as a result of this policy.

**Mr. Davis:** My second question is this: in the impact statement, the Waterloo County Roman Catholic Separate School Board pointed out quite fairly that it needed upgrading and new high schools. I am aware that you are in the same position. There are growth areas across this province. That is a reality the present government and the ministry have to deal with.

However, within the area of the transfer of teachers was something that struck me oddly, and I would like you to comment on it. For the transfer of teaching staff, I understood it to say the Catholic person transferring over voluntarily would require a pastoral reference and the non-Catholic would require a suitable reference. Did your board agree to that? Did your teachers agree to that?

**Mr. Townsend:** No, we did not.

**Mr. Davis:** Did you put it in there?

**Mr. Townsend:** If I understand the reference you are making, I believe it was incorporated in the plan document that our colleague board presented to the planning and implementation commission. We were aware of that inclusion, but we were not asked whether we agreed with it.

**Mr. Davis:** I will have to look at the document, because I thought it was on page 11 in your document.

**Mr. Townsend:** I cannot understand why we would say that we would agree with that.

**Mr. Davis:** Neither could I understand. I was having a lot of problems with it. I will look it up again.

**Mr. Townsend:** Actually, in our impact statement we placed very clearly before the planning and implementation commission the basis on which we feel any transfers of teachers should take place, and there is no reference to the type of thing you are suggesting. We are indicating full access of transfer. In fact, we are not in agreement with the restriction of 10 years.

**Mr. Davis:** But it is certainly within their impact statement.

**Mr. Townsend:** It certainly is in their plan statement, which is an interesting point in itself. The initiative was theirs to present a plan. We simply reacted to the plan.

**12:10 p.m.**

**Mr. Epp:** I want to compliment the board on the excellent brief it has presented. It is one of the finest we have had, and we are now up to more than 600. Just a few of them preceded yours.

Can you tell me how many students you lost as a result of the full funding to grade 11 and how that actual number varied from your projections during the summer?

**Mrs. Witmer:** The actual number we had anticipated, I believe, was somewhere in excess of 300. The total will vary because, as the other board indicated, a lot of students are coming and going in September. The actual total at the moment is somewhat less than we had anticipated we were going to leave us.

**Mr. Epp:** But there was not a great variation?

**Mrs. Witmer:** No. It was not great, but the total was less.

**Mr. Townsend:** We projected there would be up to 300 students per year for the next five years. As the chairman has indicated, while the figures are not firm at this point and will not be official until September 30, we are told the actual number will be slightly less than 300.

**Mr. Epp:** Anyway, from your projections over a period of five years, 300 a year is equivalent to one of the average high schools in Waterloo county?

**Mr. Townsend:** That is correct.

**Mr. Epp:** So with this decrease you will not have to build one of the high schools you probably would have built had full funding not come in. However, its equivalent probably will

have to be constructed for the separate school board. Is that be an accurate assessment?

**Mr. Townsend:** I am not sure it is. As Mr. Davis indicated, we are in the fortunate situation of being in a growth area. We see a need in the foreseeable future for continued construction in the public school system. We see a need not only for upgrading existing buildings but also for continued construction. With the intent of this policy, it is pretty obvious the separate school board will need construction as well. That is one of our major concerns, because we see an unnecessary duplication which will be very costly.

**Mr. Epp:** Can you tell me what facilities you share right now with the separate school board? Is there any sharing of transportation costs?

**Mr. Townsend:** There is very little sharing of transportation costs, to my knowledge. We have studied that repeatedly. We have made attempts to co-operate in the sharing of transportation. Some of you will know that is a complex matter. We have not been successful to the degree we would like in sharing transportation.

However, as the chairman has indicated, we have had a long-standing history in sharing a variety of facilities for program purposes. One case that comes to mind occurred when the separate school board was attempting to introduce classes for autistic children. We had several classes of that nature in existence. To assist the implementation of that program in the separate school system, we allowed their autistic class to be in with ours. The teacher, in co-operation with our own, could thus develop some expertise, etc., in the teaching of autistics. When that was thought to be accomplished, that class went into one of the separate board's schools.

We have also had an excellent relationship in sharing in the teaching of the trainable retarded in a phased program with the separate school board. As of this September we will have taken over entirely the separate school supporters' responsibility for their trainable retarded—at least that is my understanding.

We have attempted to share in any number of ways, as I believe is true of a lot of boards, but those are two specific examples.

**Mr. Epp:** I have one last question, and it has to do with technical education and the costs that accrue to a board as a result of the lower teacher ratio and so forth.

You heard earlier how the actual average cost to the city of York was \$7,398. It may be unfair to ask you, but do you have any figures as to the

average cost of technical courses to the Waterloo County Board of Education?

**Mr. Townsend:** I do not have precise figures relative to those programs, but the differential that was cited by the city of York board would approximate the differential we would experience. Certainly the difference is substantial.

**The Acting Chairman:** I have no further questions from the committee. I want to thank you for coming and presenting your point of view to the committee today.

**Mrs. Witmer:** Thank you.

**The Acting Chairman:** The next deputation is the Lincoln County Board of Education; exhibit 617.

Thank you very much for coming. When you are settled, please start by introducing your delegation.

#### LINCOLN COUNTY BOARD OF EDUCATION

**Mrs. Donevan:** Mr. Chairman, members of the committee, I will introduce my delegation after our first paragraph, which will be very short.

Our brief outlines in detail the concerns we have about the extension of funding to the Roman Catholic separate school system. It is our understanding the committee will study the brief carefully, if it has not done so already. We appreciate the time line and work load of this committee. We do not expect a response to our questions and assumptions today but look forward to your correspondence so we might proceed with our long-range planning.

Our vice-chairman to my left, Ray Rempel, our director to my right, Garry Holmes, and to my left again, our superintendent of business, Allan McKenzie, join me in highlighting several important issues.

The Lincoln County Board of Education appreciates the opportunity this committee has provided for public expression regarding this historic change proposed in the educational system in Ontario. Since June 1984 there has been considerable controversy and confusion in Ontario. The public has not had a part in a process that will drastically alter the educational system.

That process to initiate change is one that is foreign to anything experienced here in Ontario. We all know in a democratic society, the governments, federal, provincial and municipal, must be aware of the impact of the decisions they make for the people they serve. We trust the disappointment of the Ontario public will be

dispelled by the continuation of interaction before and after legislation has passed.

Democracy in Ontario implies that there is equal opportunity for students and for staff when we are talking about the educational system. Ontario is proud of the high quality of education this province has maintained internationally. Many of us have spent years in a public school system, whether in a rural or urban setting.

It is not hard for me to remember, although it was years ago, the schools I attended. Each student there was allowed to enrol regardless of race, colour or creed. In this melting pot at the elementary and secondary levels we studied, worked and played together. The staff encouraged its students to develop their potential in a co-operative manner.

You will pardon a further personal note. When I am asked why my five sons attend or have attended the public school system, my response is that they learn at their school how to be productive, useful citizens by interacting with all students from their community. That equality of opportunity is not evident in this new legislation.

**12:20 p.m.**

The Lincoln County Board of Education does not support the extension of funding to the separate school system. It is our contention that such funding will divide students, parents, staffs and boards. The public now questions the divisiveness of an education issue that has become a perplexing religious and political question. Public confidence therefore has deteriorated in the Ontario public school system. As educators, we need assurances the quality and equality in our educational system will be maintained.

During the past year, the Lincoln County Board of Education met monthly with the separate school board in our jurisdiction. Our response to its plan was submitted to the Ministry of Education without prejudice. That did not mean we supported the extension of funding, as has been implied. Clearly, we do not. The Lincoln County Board of Education wishes to work together with our counterparts as we have done in the past. We do not wish to work against each other, competing for the limited resources available in education, whether they be human, physical or financial. Surely legislation should draw us closer together.

In reviewing the Education Act and the Education Amendment Act, our chief concern was the preservation of high standards of public education in Ontario. We are also concerned with the sense of equality in all matters dealing with

elementary and secondary school education. As outlined in our brief, we comment on the effects on students and taxpayers, representation on boards of education, funding, employment opportunities and future trends.

You will remember we oppose extension of funding. However, if that becomes a reality, we have comments on Bill 30. You might wish to follow them in the copies of the brief I have given you.

Regarding paragraph 1(46a), we believe the definition should be amended to read "‘Roman Catholic public school board’ means...." This would clarify for all that the board is publicly funded.

Paragraph 1(59a) is ambiguous to us. How does a separate school board differ from a Roman Catholic public school board? Will separate school boards still receive funding for junior kindergarten through to grade 8 at the elementary level and grades 9 and 10 at the secondary level? Will separate school boards still be able to cohabit with Roman Catholic private schools?

Subsection 136b(2) should be more clearly stated to read "...shall not take effect before the school year that commences in the next following calendar year." When approvals are given up to June 30, it may be impossible for either the public schools or the Roman Catholic public schools to adequately plan programs and staffing between June 30 and September. Boards are required to give notice of termination to teachers, and teachers must signify resignation by May 31. How can staffing be organized if boards do not know what plans are necessary until June 30?

Section 136c: what happens with adult and continuing education? Who pays? Do we have to identify tax support for each continuing education student? That involves administrative problems.

Section 136d: the regulations need to be reviewed and changed with respect to tuition fees, particularly with respect to arriving at costs for programs that are not clearly defined for costs; for example, remedial reading time, remedial mathematics, etc. Such changes will create more administrative requirements. Transportation costs are also not included in current regulations as part of tuition fee costs.

Section 136f: are the existing approvals granted by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario for Roman Catholic public school boards based on the criteria as originally enunciated by Premier William Davis or by the proposed new

legislation? With no legislation to follow, how can implementation plans be approved? A complete review following passage of legislation is a must to ensure fairness with regard to staffing, program quality and financial viability in the best interests of public education.

Subsection 136i(3): when does a Roman Catholic board perform the duties of a secondary school board? At the passing of the bylaw or the making of grades 12 and 13 available in its system? Continuing representation of separate school supporters in a public school board after the Roman Catholic board has committed itself to secondary education creates a definite conflict for separate school representatives on a public school board. Will these representatives be required to declare such a conflict in matters of program, staffing, finances and building allocation?

Section 136j suggests a student may be a resident internal and later a nonresident student within the same school year. What are the implications of this possibility on board grants and consequently on local taxpayers? Inasmuch as separate school supporters may transfer their tax support on January 1, 1986, the impact of such moves should be communicated to public boards now. We estimate there will be a negative impact on public school taxpayers in Lincoln county.

Subsection 136k(2): why is there a need for two sets of estimates, elementary and secondary? If there is to be only one set of taxpayers in each system, it seems unnecessary administration in each system. Is there any reason we have not recognized here?

Subsections 136l(6) and (7) suggest that designated employees will have to move to school boards other than coterminous. If so, will there be any compensation to those designated employees for moving and other financial burdens to be borne by the employee? It also discriminates against married female employees who are not so mobile. Is this discrimination fair?

Subsection 136l(8): who picks up the added costs of such designated staff who are not terminated? This cost should be part of implementation and not shown as part of public education budgets. To force the costs upon public school boards would be unfair to public school taxpayers.

Subsection 136l(9): does this mean a designated staff person must condone Roman Catholicism or become unemployed? Such statements are not now uncommon from prospective Roman Catholic public school boards.

Subsections 136l(13) to (15): the treatment of sick-leave credits for designated employees is unfair and unjust to public school boards and taxpayers. Any excess balance due must be paid to the designated person, but this cost should be charged to the receiving board or to the planning and implementation commission. It should not be a cost to the public school board, which has no real say in the matter.

With a forced decline in enrolment, this cost becomes an added fixed expense that is not recognized in the grant formula. This is even more inequitable when it is realized that all public secondary school boards are already exceeding recognized ordinary expenditures. It will also create the impression that public school board funding is higher than necessary.

Also, subsection 136l(16) does not appear to recognize the fact that some school boards have not had retirement gratuity plans for new employees for several years. This situation has been achieved in many cases after several years of tough bargaining to reach responsible budgeting. Is it the intention to reimpose gratuity clauses on boards that do not have such a condition of employment?

**12:30 p.m.**

Section 136n: again we bring to the attention of the committee the implications of nonresident versus resident internal pupils as they impact on board grants and administrative costs. It is important that public school boards receive full recovery of costs, including high-cost programs or services to individual students, transportation, etc.

Subsections 136o(1) and (2): we believe that what is not written in this section is more important than what is written. When tied to the Education Act, if there is no accommodation in a public school for a Roman Catholic student, the parent of that student has the option of changing taxes to public school support, at which time the public school must accept the student. Non-Roman-Catholics do not have this option.

Subsection 136o(6): why is a written application and written reason necessary? Not being a Roman Catholic surely is sufficient reason.

Subsection 136o(7) indicates a Roman Catholic school board may exempt a non-Roman-Catholic from religious education. Can a publicly funded body force a religion on another person, or is this again not considered a human right?

Subsections 136o(8) to (14): this procedure should not be necessary in a country and a

province where religion is not permitted to dominate in publicly funded institutions.

What happens to the students during this period of indecision? The needs of the students seem to have been lost somewhere.

Again, I comment that we are highlighting some of the points and not all of them.

Subsection 136s(4) should require that copies of all commission reports, including minority reports, shall be forwarded to affected boards. Without immediate and full disclosure, it is unfair to expect boards to carry out properly their full responsibilities.

Subsection 136x(8) indicates that the tribunal, through its decision, may provide for the transfer of the use or ownership of real property or personal property, or both, from the public board to the Roman Catholic school board.

Why is it necessary to develop a new method of transfer between boards when a method is already in existence in the capital grants plan and Ministry of Education memoranda? Public school property belongs to public school taxpayers at any given point in time. Public school taxpayers, through their elected representatives, must therefore control board properties, including the decisions as to disposals.

It may be that a public school board, because of reorganization resulting from declining enrolments, school closings, transfers and the like, wishes to acquire an existing separate school property. No options of this nature are written into this section to assist public school board claims.

Also, there are no restrictions on separate school boards selling their sites and/or buildings. The separate school boards could take advantage of this with some logic and thus create additional revenue for their separate school taxpayers. Then they might obtain public school sites and/or buildings cheaply through tribunal decisions. The rationale for such occurrences may happen.

At this time I will ask our vice-chairman to present a summation of our remarks and of the feelings that have occurred in the Lincoln County Board of Education.

**Mr. Rempel:** You have had an opportunity to listen to the highlights of the presentation as stated by our chairman, and you have had an opportunity to look at the presentation of the Lincoln County Board of Education.

As Kathy has mentioned, we have worked during the past many months in a responsible and supportive manner with our sister school board, the Lincoln County Roman Catholic Separate School Board, to bring about an orderly transi-

tion. The transition to what, we are not quite sure. It is this not knowing, this wasteland we are roaming about in, that we perceive to be one of the many counterproductive elements created by the implementation of this change.

We perceive this change not to have been planned in an orderly fashion, and understandably. With the confusion surrounding the last election and the high priority the previous government had put on this issue, it is understandable that this occurred. However, this change has been fraught with divisiveness from day one.

In summary, it appears as though the change is becoming a counterproductive change. As educators and politicians both, we are well aware of the need for change and reorganization. Restructuring to meet new ideas with productive new developments and responding to a futuristic age are both noble and necessary as well as responsible.

With pride, Ontario politicians and educators, both separate and public, have had countless opportunities to showcase our system to interested commissions from all over the world. People as near as our American neighbours and as distant as the Far East continents have studied the Ontario education system to enhance their own. Our own Lincoln county board has been pleased and excited to be able to host some of these delegations.

Though not perfect as a system in Ontario, we are a strong system academically and sociologically, a system that has stood the test of time, a system that met the criteria of the visionaries of 200 years ago and that has been continually reshaped and has retained its inherent vibrancy, both academically and sociologically.

Now, all at once, with an abruptness not common to the history of the system, rather than continue to embellish the strengths and delete its weaknesses, we see radical change. Granted, we see the change as radical not on paper but rather in looking at the natural effects resulting from the cause. Neither has the change been created by taking from the successes of the other provincial systems or of the education systems of countries whose educational programs we would respect. Rather, we are seeing a new, untried system that will be the result of a change that, granted, on the surface would not be a major structural difference.

As you have heard from the countless briefs before—Mr. Epp said earlier there were more than 600—the impending realities are going to create a two-class system, elitist and otherwise.

We believe we are going to create religious and social divisiveness and destroy an already shaky funding structure. Our brief spells out the hows and the whys, as do countless others already presented.

**12:40 p.m.**

Although we believe Bill 30 in its present form will never come to be reality, we must highlight some of the pitfalls should it become reality as presented.

We would like to encourage you to study further the system of education in Ontario, and we assure you that the Lincoln County Board of Education applauds your willingness to continue to modify the status quo. However, we encourage you to do this based on empirical data, analysed and collected carefully, accurately and thoroughly.

We appreciate the dilemma of haste the present government has inherited. However, we encourage you to think of children, to look at the sociological and religious trouble spots in other democratic countries and to determine whether the pending system would enhance such potential problems or a system of equality as we have understood it in this nation.

Although people of all walks of life frequently shortsightedly say the education of our children is basically an academic exercise, as all those of us sitting here know that is an extremely naïve view. One would do well to consider that the sociological impact of the education system is at least as significant as the academic impact regarding the development of a child. In fact, are they not all one and the same?

Last, the whole area of affordability has been shown to be highly suspect. We have with us our superintendent of business, Allan McKenzie. I am sure he will be happy to provide numbers for you.

I have heard interested parties argue that affordability should not be an issue because equal education opportunity was promised to the Catholic sector 150 years ago. That is fallacious thinking. I have recently read of many important, needed promises made only in the past year that are already being aborted or modified dramatically because of lack of affordability. These promises were made and concerns were addressed to people who are alive and well in 1985. They deserve and require responses to the problems all parties addressed during the last election.

The promises made 150 years ago have been met on the one hand and therefore have largely become redundant. Second, they were made in

an entirely different social, political and religious milieu. As stated earlier, even those promises can continue to be met by a creative enhancing or continued strengthening and melding of the two systems, different and yet together; two systems, although one in philosophy, working to enhance the opportunities for children of all religions and sociological backgrounds to become distinctly educated yet uniquely different and uniquely united.

Mrs. Donevan spoke to some of the issues of the brief. I have attempted to summarize. The committee may have some questions, and as I stated, our superintendent of business and director of education are here with Mrs. Donevan and myself.

**The Vice-Chairman:** I am sure the committee will have some questions. Mr. Reville is on the list.

**Mr. Reville:** I want to thank you for your thoughtful, helpful presentation. Your clause-by-clause commentary is particularly useful. I wonder if you could answer some questions. The answers may be in your brief; I am not sure.

Can you tell me the number of secondary students Lincoln county has at present?

**Mr. Holmes:** It has 10,600.

**Mr. Reville:** You submitted an impact statement, I take it, and predicted the loss of how many students at that time?

**Mr. Holmes:** Are we talking about a loss of students as a result of the separate school funding or a loss of students generally?

**Mr. Reville:** Maybe the first question should be, are you in a declining enrolment situation, as are many of our boards?

**Mr. Holmes:** Yes, we are.

**Mr. Reville:** So you were anticipating some loss as a result of declining enrolment. I am talking specifically about the loss of students transferring out of the public system to the separate one.

**Mr. Holmes:** That is one of the issues we ended up not being able to come to a determination on as we were meeting with our sister board. Both groups had predicted very small numbers on what that loss would be for September. In fact, we are down approximately 120 students at the secondary level from our prediction. Both of us felt there would be a small number of students transferred. Numbers such as 30 were tossed around, but that is not a very firm thing, just an estimate.

**Mr. Reville:** It is too early to be absolutely sure.

**Mr. Holmes:** In order to give you the specificity you wish, the end of this month is the first time we can give you firm figures. We are watching them every day, of course.

**Mr. Reville:** How many teachers have been rendered surplus by the decline in enrolment?

**Mr. Holmes:** The words "rendered surplus" do not apply in our case this year, to my way of thinking. The way we handled the problem locally was that the administrations of the two boards met, with the approval of the trustees, and spent considerable time trying to iron out staffing relationships.

The agreement was struck that the separate school people had some openings coming up in their system and they voluntarily—I should not say that—they agreed to advertise those positions. Separate and apart from any formal agreement, because we did not know the final impact of the bill, we agreed to run it that way and see what the response was. There was sufficient response that teachers went to the separate school system. Indeed, we had no redundancy to account for this year in our staffing.

**Mr. Reville:** This was a movement between boards that was not part of any plan that had been filed by your colleague separate school board?

**Mr. Holmes:** That is correct, but the separate school board and ourselves were well along in terms of making agreements as to how to take the next step in the process of handling surplus. We had clauses tentatively written. All that was put on hold when we both felt uncomfortable proceeding to details, not knowing what the final outcome was going to be.

There is another ingredient I ought to put forth. We are concerned about the whole impact from the elementary level. We had no authority under the bill to discuss that intelligently as two groups, but we know that eventually that section of our community representing the Roman Catholic faith at the elementary level, any or all of it, may very well be started in the separate school public, which would reflect in a decrease in secondary for us and an increase for them. That is a tough prediction to make, but very important.

**Mr. Reville:** It certainly is. Have these discussions been administration to administration?

**Mr. Holmes:** No; I am sorry. That was just the agreement on staff exchange. The discussions have been between full liaison committees, trustees and administration from both boards.

**Mr. Reville:** This is with the support of both boards, I take it. That is a hopeful sign.

**Mrs. Donevan:** I mentioned that we met approximately monthly. We discontinued those meetings, as the director has said, when Bill 30 was published; we felt it was such an indefinite issue that we were not going to make any progress at that time.

**Mr. Reville:** Have you been following these hearings? You have heard there have been more than 600 briefs.

**Mrs. Donevan:** We are people who are interested in education in one way or the other. We do not have your TV in our locality, but we follow it in the newspaper reports daily, or on the radio, somehow or other. We also receive some briefs.

**Mr. Reville:** It may be of some comfort to you to know that I doubt if there is a section in the bill that has not received innumerable suggestions for amendment one way or the other. All that material is before the committee.

**Mrs. Donevan:** It bears repetition, though.

12:50 p.m.

**Mr. Villeneuve:** I thank Mrs. Donevan and the Lincoln county board for expressing very grave concerns and reservations about Bill 30 with which we are conversant. You touched upon a situation that may be brought about by Bill 30, that of an elitist system in the separate school area. Do you feel we have that now from kindergarten to grade 10 in the separate school?

**Mr. Rempel:** Bill 30 substantially changes the direction the boards will go in the future. Now there is an unconscious melding of a large number of kids as they get into the upper levels of secondary school. Partly because of that and partly because of shared facilities and so on in Lincoln county, the kids see themselves largely as one and the same.

However, in the eyes of the consumers, there will be a divergence in the way the boards operate as they go off in separate directions. One will be providing education for certain types of kids, certain people will qualify to get in; and even some in the Catholic system would end up in a public school because of lack of programs in the separate system. Very seriously, that is a concern.

We hope that out of the dialogue regarding Bill 30 we will begin to see a new look at education in Ontario by taking that element out of it. We hope this will be the jumping-off point for that.

**Mr. Villeneuve:** Future direction is what you are concerned about. What has occurred in the past has been relatively palatable to you people? You do not see elitism built into it to this point?

**Mr. Rempel:** We see one system as having provided a certain type of education that does not necessarily address the needs of the community at large. But that has not become the major problem at this point; it would appear we are heading away from that.

**Mr. Villeneuve:** When you say it is not addressing the needs of the community, are you talking about the accessibility of non-Catholics to the separate system?

**Mr. Rempel:** That and, in our area, anyway, a lack of the less academic areas of study.

**Mr. Villeneuve:** Let us look at Bill 30 as possibly becoming law. I happen to be from a riding that has only one-school towns. If accessibility were opened up considerably — through more space and by religious instruction not being made compulsory but being left to the individual—do you feel your concerns would be somewhat alleviated? Or would there still be the elitist attitude towards the separate system?

**Mr. Rempel:** That is a fair question from your point of view, but it is really open-ended. If it were opened up to a certain level, I can see that one problem would be dispelled. I would like Mr. McKenzie to respond to that.

**Mr. McKenzie:** The elementary system and the secondary system are two entirely different systems. For example, in the secondary system we carry a lot of basic programs that do not affect secondary schools—technical programs and such things. In a technical or vocational school, it is looked upon differently if one uses that term in conjunction with “elitist.”

With a straight academic program there will be an apparently higher standing of academia, because they are going into the arts and sciences rather than the trades. Those in the technical schools, with the basic education, will want to go into the trades. Therefore, I do not think you can compare elementary and secondary and try to bring that kind of question into that situation.

**Mr. Villeneuve:** Do you not think there might be a way for the two systems to share facilities in the non-arts subjects?

**Mr. McKenzie:** You can share the facilities very easily. We are doing this in the elementary panel, as noted in our brief. If you are talking about sharing facilities, though, and not about sharing the actual programs, you have quite a different approach. For example, if you have a technical shop, are you going to have two complete technical shops in the same school? That is very expensive. Sharing a facility, meaning the shell of a building, is one thing; but

sharing a facility, meaning an educational program, is an entirely different thing.

**Mr. Villeneuve:** Let me clarify that. It would be not only sharing the facility but also sharing the program and having students of both systems taking that one subject simultaneously. Could you see that as a possibility?

**Mr. McKenzie:** Yes. As a matter of fact, we are doing that right now for all intents and purposes. We have separate school supporters in the secondary school attending the same classrooms as the non-separate-school supporters. It is happening now; it is feasible.

However, having said that, if you look at Bill 30 and at the way it is written, you are going to be looking at things such as resident versus nonresident tuition fees. That is a very important item you should look at. For example, just the resident internal versus nonresident aspect affects special education grants heavily. Has anyone looked at that?

The answer is yes, it can be done. The chairman and the vice-chairman may want to speak to this, but in my opinion it is the intent of the Lincoln County Board of Education to have a system that is united or whatever you want to call it; I have heard the terms “consolidated,” “unified” and “umbrella” used here earlier today. Let us bring the students together and teach them within the same system.

**Mr. Villeneuve:** The reason we are here is to attempt to improve Bill 30 so it will be more palatable. I hope that if it does come to fruition the elitism you allude to will be removed. That would be a situation I would not like to see tagged to the separate system.

**The Vice-Chairman:** Are there other questions from the committee? If not, then on behalf of the committee—

**Mr. Reville:** I think the delegation has a final remark it wants to make.

**The Vice-Chairman:** I am sorry.

**Mr. Holmes:** I will try to make it very brief. I want to add to the two issues that were being discussed here.

We want to make it very clear that in spite of the kind of implications I heard suggested this morning and while trying to follow these things in the press, etc., we see this presentation as positive. I am sure there are people here who do not see that. We see it as positive because we think we are speaking for a large number of people in our community who are telling us to speak. We are saying that we want to work

together with our separate school partners, because we have been doing that.

I want to point out that those things are a lot more than what has been mentioned to this point. We have had curriculum committee structures working in our community, with members from both systems on them, for a number of years. We have the resource centre in our educational facility handling all the video and the library distribution for both systems, with staff members from both systems co-operating in use of that kind of resource.

We have had an elementary school built together by the two boards, sharing such things as the library and gymnasium. There is not as much sharing as I would like with regard to programming, etc., but it is a major step that has been positive in our community for a number of years. We have had special education sharing. We see signs of some of those things not being possible now. I do not want to argue and say because or not because or it should or should not be, but we see signs of that right now becoming more tense.

If it ends up that we are divided or cannot work because of the melting pot that is there now, that melting pot that has allowed our students to come together—we did not even know what religion we

were dealing with, at the board level at least—it is going to end up that we will be working for two systems. I can make a heck of an argument either way. I can say that within those two systems we can provide great-quality education. We will both fight like mad to be sure we have good things.

However, when the bottom line comes, I am going to be the director for a public school board. My obligation at the very end of all that is going to be to do the best I can do for the students of the public school board. When you get down to that point, I do not care what we try to say or how we argue it philosophically, I have to make some hard decisions and hard recommendations that will end up, in my opinion, being divisive in the total educational context. That is where my concern is, and I close with that.

**The Vice-Chairman:** And we hope we will be able to amend the bill in such a way that much of the co-operation that currently exists can be furthered and facilitated through Bill 30.

Thanks very much for coming before the committee.

We will be back at 2 p.m.

The committee recessed at 1 p.m.

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**From the York Board of Education:**

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Phillips, D. J., Director of Education and Secretary-Treasurer

**From the Ontario English Catholic Teachers' Association:**

Pollock, G., President, Toronto High Unit

Saskoley, B., President, Metro Elementary Unit

Ware, J., Principal, Monsignor Percy Johnson Secondary School

**From the Waterloo County Board of Education:**

Townsend, W. T., Director of Education and Secretary

Witmer, E., Chairman

**From the Lincoln County Board of Education:**

Donevan, K., Chairman

Holmes, J. G., Director of Education and Secretary

McKenzie, A. N., Superintendent of Business and Treasurer of the Board

Rempel, R., Vice-Chairman





# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Wednesday, September 11, 1985  
Afternoon Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, September 11, 1985

The committee resumed at 2:09 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** Before we start, as committee members realize, three boards of education are appearing before us this afternoon. Boards of education tend, and rightfully so, to present very detailed briefs, which provoke an awful lot of questions. I would like, if possible, to stick to the schedule much more closely than we did this morning. The first presentation is from the Peterborough County Board of Education, Dr. Strath.

Dr. Strath, you may proceed at your convenience.

### PETERBOROUGH COUNTY BOARD OF EDUCATION

**Dr. Strath:** Mr. Chairman, on my left is the chairman of the Peterborough County Board of Education, Eric Cotton, and on my right is the director of education, Rae Linton. We have had the opportunity through various forms of the media to know well who you are and I felt it was fair that you should know who we are.

Perhaps I should also tell you a little about the Peterborough County Board of Education. We care for the educational nurture of 16,000 students in the city of Peterborough and surrounding townships. In 1985 we had a budget of \$65 million, 52 per cent of which was levied by the trustees on a local basis and 48 per cent of which was derived from provincial sources. As perhaps the major shareholders in this corporation, we welcome the opportunity for input to such major changes in education. The Peterborough-Victoria-Northumberland and Newcastle Roman Catholic Separate School Board shares in part the Peterborough County Board of Education's jurisdiction.

Our brief has been circulated to you. The Peterborough County Board of Education has made previous submissions to each of the three commissions: on planning and implementation, financing and private schools in Ontario. Throughout those submissions, approved by the

board, ran the fundamental principles of preservation of the integrity of the public school system, universal access of students to both publicly funded systems, the personnel's right to work in either system, appropriate financing and costing of shared services and a representative trusteeship.

We recognize that this presentation to the standing committee of the Legislature on social development is unlike those submissions in that it allows an opportunity to debate the fundamental issue of the merit of extension of public funding to Roman Catholic secondary schools and whether in a multiracial, multicultural society the intent of the legislation inherent in Bill 30, to move away from one unified, universal school experience for our children, is correct in 1985. The board recognizes, too, the question raised by constitutional experts about whether the legislation is compatible with our Constitution, and that matter is now before the courts.

The Peterborough County Board of Education does not understand the haste with which the government chooses to implement such significant change—haste in the face of constitutional challenge; haste in the uncertainty of the merit of extension of public tax dollars to a single, albeit significant, religious group in a province and a nation whose character has changed since 1867; and haste in the uncertainty of the financial implications for an educational establishment whose resources, we believe, are already stretched to the point of credibility by the demands of a rapidly changing society.

These issues and others have been and will be addressed by others who appear before you. Thus, while recognizing these significant issues, the Peterborough County Board of Education has determined to address itself in this brief to concerns raised by the content of Bill 30 itself. If the legislation is deemed to be constitutional and if it is the intent of the Legislature to proceed immediately with the enactment of Bill 30, then the legislation contains many areas of grave concern to our board. Our submission outlines these concerns with reference to the specific clauses of Bill 30.

To begin with section 136a: If two publicly financed systems of education are to be available, then this section should outline the manda-

tory conditions. For example, subsection 136a(1) should read, "A separate school board shall elect to perform the duties of a secondary school board...within five years of the enactment of this legislation." In addition, we would recommend the removal of the word "separate" from the title of such boards and that they be referred to as Roman Catholic boards of education, as they truly are.

In subsection 136b(2), there is a housekeeping matter. Since the planning for the opening of school in September must begin at least in January and since collective agreements often set dates for enrolment projections and staffing in early spring, it would be more appropriate to require a declaration of intention to provide secondary education by the last day of the year preceding the September in which such education is to begin.

Moving to section 136d, the board considers there is a need for a reciprocal clause which would allow a public school board to enter into an agreement with a Roman Catholic school board to provide instruction for students. Section 136d raises the much larger issue in the statement "...and for the payment in respect to such pupils of fees calculated in accordance with the regulations."

In this, as well as in section 136o and subsection 136n(2), provision must be made to allow for the true costing of programs and services rather than average per pupil costs. This has particular relevance to public boards which currently operate services Roman Catholic boards do not. These are often high-cost programs.

Under section 136j, there is support for this redirection of tax base so long as it is supported by the concept of equal access as outlined in section 136o. However, we note it is still not true universal access since a non-Roman Catholic family cannot become separate school supporters and thus be guaranteed secondary education in a Roman Catholic secondary school.

With respect to section 136l, the area related to employment, the section in its entirety raises overall concern for the evident injustice that only a segment of the population has access to employment in both publicly funded systems. For example, next summer a new Roman Catholic graduate of a teacher's college has access to any position in both systems. A non-Catholic is apparently restricted to possible employment in the public system only. This applies to nonteaching positions and, it appears, will go on indefinitely.

In that same section, with the existing declining enrolments and the complexity of staffing secondary schools, it is virtually impossible to designate clearly the persons on staff who will not be required to perform duties as a result of the transfer of students to a Roman Catholic secondary school in the same jurisdiction.

In addition, with the guarantees for job protection as outlined in subsection 8 it is certain that, for every staff member for whom there is no position, there will be an argument presented that the cause was the transfer of pupils to a Roman Catholic secondary school. These disputes could result in lengthy and costly grievance and/or arbitration procedures. If these subsections remain as written, it is recommended that an additional one be inserted specifying that the province pays the cost of the grievance and/or arbitration procedures.

**2:20 p.m.**

We support the concept that displaced staff from the public system should have priority for new jobs created in the separate school system by its expansion. However, we disagree that displaced staff should have absolute employment guarantees for up to 10 years or that public funds should be used to support the salary of personnel for whom there is no work. It is the opinion of this board that, although the employment of such displaced personnel is in jeopardy as a result of legislative change, those who cannot be employed in either system should be subject to the same conditions as employees in the private sector when companies change policies and/or ownership.

The whole area of employee benefits, including sick-leave accumulation and gratuities, is subject to collective bargaining and should not be included as part of this bill. The issues could be resolved as outlined in subsection 136l(18) and require the Roman Catholic school board and the public school board to enter into an agreement on the transfer of such benefits subject to third-party intervention in case of dispute. In any instance there should not be indebtedness accruing to a public school board after an employee ceases employment with that board.

If the issue of benefits is viewed in the larger context of a free-choice transfer of employment for the personnel, these staff members should consider the benefits available in the new employment against existing benefits and/or alternative employment rather than receive protection through an act of legislation.

We have concerns under subsection 136l(19) on the use of the word "creed" in the context of

the Human Rights Code. With the application of many clauses in Bill 30, despite sections of the Human Rights Code, 1981, what definition of "creed" will be used in this legislation? There is no doubt that this clause could have serious implications for staff transferring to the Roman Catholic system for future employment or promotion.

For purposes of this legislation, the definition of "creed" should be included, outlining clearly that the staff will not be discriminated against if they transfer from the public school system to the Roman Catholic system.

Regarding section 136m, there is concern about introducing an arbitration process as part of every collective agreement for the issue of determining whether personnel have been appropriately designated and not needed because of the transfer of students to the Roman Catholic system. No details are provided for the costs of such arbitration or restrictions to prevent the process being extended to a large variety of grievances in collective agreements.

We express concern that the procedures outlined in this bill may become the foot in the door to introduce these procedures into all local bargaining procedures. It would be preferable to settle disputes through the process outlined in sections 136r to 136fx.

With respect to section 136o, it is submitted that as neither system should have the right to exclude a pupil on the basis of lack of accommodation or any other such factor, these escape clauses should be deleted. It is all too easy to discriminate against individuals by using such mechanisms. We do not know what "accommodation" means. Is that physical accommodation or is that spiritual or what have you?

Also in support of universal access to both systems, there should not be the restriction on exempting a pupil who is not a Roman Catholic from programs and courses of study on religious education. It is recommended that subsection 136o(6) read, "A pupil who is not a Roman Catholic shall be exempted, upon request, from programs and courses of study in religious education."

Moving on to the area of the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, it has been given major responsibility for implementation. It is recommended that its extension under subsection 136r(1) be limited to five years, which should be sufficient to oversee all the implementation plans. This recommendation is also in accord

with our recommendation under section 136a, in which all Roman Catholic boards shall have their plans in place within five years.

We agree that the planning and implementation commission will need to provide advice to the minister on the matter outlined in subsection 4. We would register our concerns that local boards maintain their autonomy in determining staffing and not have the commission's guidelines become overriding rules for each board.

If I may turn to page 8 or section 136w—that is a typographical error; that should be section 136u—we agree that the commission may wish to hold public meetings. However, we would recommend that an additional clause be inserted to require the commission meetings be held in public except for those items permitted within the act to be in camera.

Under sections 136v and 136w, the board has concerns that the powers given to the planning and implementation commission over the 10-year period are excessive, especially in the resolution of disputes between boards.

Under the present wording, there is the implication that a commission of up to eight members can review the educational plans for a community and determine whether they meet the two criteria, that "the method must permit the Roman Catholic school board to provide secondary education and that the method must promote the best interests of public education in Ontario." The vagueness of the words "is of the opinion," "provide a method" and "promote the best interests" allow this section to have a multitude of meanings.

We recommend that this responsibility of the commission be limited to a review of the implementation plans required in section 136t. We do not endorse an ongoing review of the programs of the two boards by the commission. After the initial implementation process is complete, the programs and their implementation are the responsibility of each board, subject to the Education Act and its regulations.

To make clear the two criteria that are to be in the implementation process, it is further recommended that the wording "the method must promote the best interests of public education in Ontario" be replaced by "the method must provide for the preservation of a strong and viable public school system in all Ontario communities presently served by secondary schools."

We have concerns relating to the membership of the tribunal outlined in subsection 136x(5). We recommend that it should be more restrictive

by inserting the words "or an employee" so that it would read, "No person is eligible to be a member of a tribunal who is or has been a member or an employee of a board that is a party to the dispute."

In subsection 136x(8), to cover the many possible transfers of real or personal property, it is recommended that the subsection be written to account for transfer from the Roman Catholic school board to the public board, as well as its present format.

We have reviewed Bill 30 and touched this afternoon on some of the sections that cause us concern. Behind that is a philosophy of the preservation of the integrity of the public school system while a parallel Roman Catholic secondary school system comes into place with public funding. We have adhered to the concept of ensuring universal access for students to both systems.

While there will no doubt be a number of obstacles placed before you in achieving what we anticipate will be two publicly funded school systems providing full program and a choice for students and parents, we trust that our comments will assist Ontario in achieving this goal.

It is necessary to advise the electors of the status of Bill 30 soon, since this is an election year for trustees and clauses of the bill will have an effect on terms of office, size of boards and so on. I understand some of that has been dealt with.

Thank you for your attention. We appreciate the opportunity of appearing before your committee, and we will be pleased to respond to questions.

**Mr. Offer:** I thank the board for its presentation and its systematic investigation of the act clause by clause.

I want to direct your attention to what you indicate on page 4 when you talk about the impossibility of designating persons declared redundant because of the impact of full funding. We have heard that if the word "person" were changed to "position," it would become more workable. What is your opinion of that type of change with respect to your comment on page 4?

**Dr. Strath:** I will refer that to the director.

**2:30 p.m.**

**Mr. Linton:** The substitution of the word "position" would be an improvement. It would help considerably.

I will give you an example of agreements we have before our board right now. Although our colleagues in the separate school system began grade 11 this year under the public funding concept, there has not been a great number of

students transferring. Yet, because we had to let a technical teacher go, we are getting a grievance based on the idea that it was due to such a change, even though the local separate school board did not start a technical program.

Going back through the whole thing, one finds this secondary school had a surplus technical teacher, which it declared as such. However, he has other qualifications, which might allow him to teach at the basic level in other subjects; such a teacher then tends to have seniority. While he may be surplus to the first secondary school, he may find a spot in a second secondary school and dislodge someone else there. By the time there has been a series of those moves, it is virtually impossible to identify who was redundant.

Also, timetables change. When such a teacher transfers from one school to another, he may pick up half the timetable of one teacher there and half of somebody else's. Perhaps the new school needs only half an electricity teacher, but he can pick up half a timetable in basic; but, in so doing, he dislodges some other teacher.

When you get down the line, it is very difficult. However, right now we have a grievance based on that.

**Mr. Offer:** Has there been any discussion between you and your coterminous board with respect to trying to arrive at a formula for redundancy on account of the act?

**Mr. Linton:** No. We have not gone into that in any great way, simply because this year there did not seem to be a pressing need. As I say, we had only one teacher who was declared redundant and, frankly, neither board saw that as due to the change. He is a technical teacher, and they were not starting technical. When you get all these ramifications, it does happen.

**Mr. Offer:** In the event the word "person" was changed to "position," do you think that might be a start with respect to affording the coterminous boards the chance to arrive at a formula for redundancy based on the possible impact of full funding?

**Mr. Linton:** It would be a real help to the boards. I am not sure the federations would accept it.

**Mr. Offer:** I have one further question; it is with respect to the question of universal access, which you mention on page 7 and which seems to be coupled with—I am paraphrasing—universal exemption.

Are you able to comment on a concern with respect to preserving catholicity of the system when one allows universal access coupled with

universal exemption and some non-Catholic students wish to attend the Catholic system, not through necessity but through choice? Do you say that exemption ought to attach to non-Catholics attending the separate system through plain and simple choice and not distance or anything of that nature?

**Dr. Strath:** That is the intent of the board's submission—because of the expenditure of public funds.

**Mr. Linton:** Also, in my opinion there is a parallel, in that for years the Ontario ministry required certain religious instruction in all public schools but it also provided for exemption from it. The religious instruction would be provided first thing in the morning or last thing in the afternoon; so the individual student could come early or late and be exempted. Alternatively, some other place could be provided in the school where the individual could work as opposed to being in the religious instruction class. That precedent is well established.

**Mr. O'Connor:** We have heard from other boards, and perhaps it is still a bit early yet in September to determine the exact numbers of students whom you have lost from your system to the separate system. Have you any fix on those numbers as of yet? Can you also comment with regard to the number of teachers in that category; it may be just the one you have mentioned. Can you expand on that?

**Mr. Linton:** Yes. We anticipated we would have about 325 fewer students in our secondary panel this year as a result of normal decline. So far, we have lost 66 students more than that. I have checked with the separate school board. They operate one academic high school, which has been well established for years. The figures given to me for St. Peter's secondary school show their projection as to the implementation was quite accurate in total, although it was a little bit out on the grade. However, it does not appear that 66 are with them; so I do not know where they are as yet.

It would appear we had about 30 switch from our panel to theirs. That seems to have been accomplished by greater retention of the grade 8 students going to grade 9 and grade 9 students going to grade 10. They have somewhat fewer in their upper grades, 12 and 13, than they projected; so they have had a loss there too.

**Mr. O'Connor:** And teachers? Was there just the one?

**Mr. Linton:** There was just the one permanent contract teacher. Our collective agreement deals

only with permanent contract teachers. Probationary teachers are not protected by seniority, redundancy and so on in our collective agreement, and some were let go simply as not needed.

It would be hard to say whether they were affected. We projected our figures, given the knowledge that the separate school board expected about 25 to 30 more in grade 9. This means our grade 9s would be down by about that number, which would amount to about one or two teachers. They would be probationaries who were not brought back.

**Mr. Allen:** It is good to meet with the majority shareholders in the educational enterprise in Peterborough. As you know, we did have a meeting with the Peterborough, Victoria and Northumberland boards in our Kingston hearings and got some sense of where they were at and what their plans are.

It is interesting to see that what has happened this September more or less sits reasonably close to what the expectations were. It is always nice to know the expectations have more or less been met and nobody is set for any surprises. I hope that continues to be the way it plays out.

May I ask you to answer a couple of small questions? On page 3, you deal with section 136d and the desire for a reciprocal clause; perhaps you could explain that a little further. It may be the first time a board has made that specific request. Can you flesh out the significance of that for us so we can understand it a little better?

**Dr. Strath:** I would judge that we were looking at areas such as special education where, in a community of 100,000 in Peterborough and the surrounding areas, we might have a specific disability that might be dealt with in a small classroom; you might have five or six students all told. It would seem sensible to me, if we had two of those students and there were three in the Roman Catholic board and they had the program, that we be allowed to buy those services from them.

That is a simple example, but I am sure there might be many others in other areas of the province.

**Mr. Allen:** Sure; so it makes good sense. I just wanted to be sure.

**Dr. Strath:** The legislation appears so often to have been written with the Roman Catholic board in mind as if the public system were indestructible. I suggest to you that it is not.

**Mr. Allen:** That message is coming through. We have also seen quite a variety of sharing arrangements in the province that have surprised

us to a degree. It obviously goes both ways, and this bill ought to preserve that reciprocity; so I think that is an excellent point.

With respect to transferring teachers and following up on what Mr. Offer was questioning you about, do you have a problem with the concept of secondment to the separate board with right of return? Does the general principle of reversibility of flow give you any difficulties?

**2:40 p.m.**

**Mr. Linton:** It gets bogged down, I suppose, in all kinds of problems having to do with seniority. If an individual is seconded to the separate school board and, because of overall declining enrolment, is surplus to it and is then not needed in our system, does he come back and bump out somebody who is in our system, in which case we then have another problem? It becomes very complicated. What rights would he retain? Would he retain seniority? Would his years with the separate board count with his seniority so he could come back and be able to bump people out?

The concept, as far as I am concerned, is fine. It has a lot of problems to be worked through.

**Mr. Allen:** I do not know whether you are aware that one or two of the boards that have anticipated this legislation, such as the Ottawa board, have worked out relationships with their coterminous separate boards that are hinged very heavily on secondment. It is all pinned down very carefully, as you say.

**Mr. Linton:** Do you know what they are doing about such things as retirement gratuities, for which most teachers qualify? If they are on the separate school board for 10 years, is their experience there credited towards the retirement gratuity, which the public board would then have to pay when they come back?

**Mr. Allen:** I cannot relate that detail to you.

**Mr. Linton:** That is the kind of thing I mean.

**Mr. Allen:** I do not have all the details of the arrangement, although you have the document and you might find it very interesting to look at because it is spelled out in considerable detail.

**Mr. Linton:** I will check that.

**Mr. Allen:** In your comments on section 136r, was it your understanding that all Roman Catholic board plans would have to be in place under this legislation within 10 years to qualify for the right to assume the powers of a Roman Catholic separate board offering secondary education?

**Dr. Strath:** We had concerns that a Roman Catholic board might elect this year to perform

the duties of a secondary school board or might wait until 1991. We also even had concerns that it might get in and opt out. The legislation is not clear. It seems to me that if the Roman Catholic boards are going to elect to run secondary schools, they should make up their minds and do so and we will know where we are at; but I do not think they should be able to opt out.

**Mr. Allen:** I cannot speak for all members of the committee, but it was not my impression that the legislation intended to limit the period of time during which boards could opt in; rather, the 10-year period was defined with respect to a whole host of other protections and what have you that the bill had to accommodate.

I would be a little bit concerned about conveying the message that the thing is locked out for 10 years, five years or for ever as far as action from a separate board is concerned. Obviously, 100 years from now, or 40 years from now, demographics will have changed and all kinds of things may have taken place. That general permissiveness underlies that; that, at least, is my personal response to your proposition for five years under section 136r.

Otherwise, I want to thank you very much for being so detailed and precise in your recommendation. It helps us to focus our thinking on the bill when submissions are so detailed.

**The Vice-Chairman:** I want to echo Mr. Allen's comments and thank you very much for coming before the committee this afternoon.

The next presentation to the committee will be from the Ontario Secondary School Teachers' Federation, District 14.

Welcome to the committee. I am not sure how you intend to proceed. I gather you have had some discussions with the staff of the committee. Do you plan on reading your entire brief or on summarizing it so that we will have an opportunity to discuss some of the issues with you?

**Mr. Wright:** We would like to deal with most of it. We have done some timing with it and our sense is that we can do that in the time. However, we raise a number of questions throughout the brief and we would be more than happy if committee members want to respond to them, either in the sequence of the presentation or at the end of the presentation.

**The Vice-Chairman:** That is not how we have proceeded generally within the committee. If you want to go through your brief, then if there are questions from the committee to you, that is how we will proceed. We will try to stick to some general time limits because we have a large agenda this afternoon and we have to try to be fair

to every group that comes before us. So proceed in any way you want, but there are time limits. I find it is very useful if there is a way in which we can also have a dialogue with you and not just receive the brief.

ONTARIO SECONDARY SCHOOL  
TEACHERS' FEDERATION, DISTRICT 14,  
CITY OF YORK

**Mr. Wright:** The presenting team includes Margaret Cowan on my right, Don Kendal on my immediate left and Manfred Netzel as well.

I would like to begin our presentation by stating our very fundamental opposition to the historical and constitutional assumptions upon which the bill is based; to the process used to introduce and implement the bill; to the assumptions within the bill concerning the traditional and legal rights of union members; to the apparent violations of the religious and human rights of both adults and children, and to the financial and administrative chaos that would result from the passage of Bill 30.

It is not our intent to address each of those areas of concern for several reasons. Some of the concerns have been well represented by the presentations made by other groups to the committee. We have listed some of those for you.

We have come to believe that the committee has no intention of examining the fundamental policy question of whether Bill 30 is appropriate. In view of this, we assume your committee takes the position that the question of appropriateness is synonymous with the question of constitutionality. This will be decided by the courts in advance of final reading. It is our understanding the committee has taken the position that the fundamental principles are beyond the mandate of committee discussion.

We will not address certain sections of the proposed legislation because we are now unclear about the status of those sections. We understand, for example, that the minister has indicated that some time lines as set out in the bill are no longer operable. We hope the committee will appreciate the difficulty in addressing proposed legislation that is undergoing a process of informal change through ministerial announcements.

Therefore, we would like to approach the bill through a series of questions we would ask the committee to clarify for us. It is our hope this approach will lead to increased understanding of the complexities of the legislation and assist those within the educational community more

easily to reach planning decisions and assist you in formulating appropriate amendments for recommendation. To this end we offer the following questions:

**2:50 p.m.**

We refer to the Ministry of Education's document, *Towards the Year 2000: Future Conditions and Strategic Options for the Support of Learning in Ontario*, and to a quotation that raises the question of the environmental fallacy in planning and of the tendency of creating disequilibrium and unintended consequences in the planning process.

We would like to ask whether members of the committee have examined this analysis in the ministry document of the environmental fallacy as it would apply to Bill 30. We would like to ask whether the committee has examined the full range of possible disequilibrium and unintended consequences of Bill 30 on our educational system for the next 15 years and through the year 2000. Do committee members have specific areas of concern about disequilibrium and unintended consequences?

Margaret Cowan will present some of our educational concerns.

**Ms. Cowan:** There is much concern in the city of York about the effect Bill 30 will have on our technical, business, commercial and basic-level programs. Specific data on the present courses within the Metropolitan Separate School Board have been difficult to obtain. It is our understanding, however, that the separate secondary system has in the past focused on academic programs.

We are concerned about the potential effect Bill 30 will have on our technical and business education in the city of York. If the separate board opted to situate a technical and vocational school within the city of York, would this not create an expensive and parallel duplication?

The possibility arises under section 136d that the Roman Catholic system has the option to purchase education from the public system rather than develop its own. If the separate board chooses to purchase technical, business, commercial and basic-level programs from the city of York, might this not require the public system to change program and timetable format to accommodate these students?

Might not this purchase of services create a situation in which relatively less expensive academic education is being provided by the Roman Catholic system while more expensive programs are provided by the public system? Might not this purchase of service create within the Roman Catholic secondary system a preserve

for the middle-class, post-secondary-bound student, while the public secondary system becomes the preserve of the nonacademic and working-class student?

Specifically, how does the committee feel the following student would be dealt with? A Roman Catholic student wishes to pursue a technical education, but the local Roman Catholic school board does not offer such a program. If he chooses to attend the local public secondary school that offers the full technical program, which of the following would apply?

1. The separate board must pay the public board for his full instruction under clause 136o(2)(b).

2. The separate school board may have entered into an agreement with the public board whereby it purchases only the technical education it does not provide. The student then would presumably be required to attend both schools, the public school for technical courses and the separate school for all other subjects under section 136d.

3. An agreement such as the one described above exists, but the different timetable structures of the two schools prevent the student from attending both schools. In that case, would the planning and implementation commission entertain an appeal from the student that could change an agreement made between the two boards and presumably approved by the commission? Would the courts have to decide whether in this case section 136d or clause 136o(2)(b) would have precedence? Would the student have to postpone or give up his technical education?

The fall of 1985 represents not only the first year of the implementation of full funding to the separate school system but also the first year of implementation of Bill 82, the bill guaranteeing exceptional students access to programming within their own home schools.

Is it the expectation of this committee that the Metropolitan Separate School Board should expand its special services, thereby adding to an already expensive and parallel system? Conversely, might it be the expectation of this committee that the separate and public secondary systems develop a mutually beneficial unified process for the purposes of identifying, programming and evaluating the exceptional students?

**Mr. Wright:** Don Kendal will present the next section.

**Mr. Kendal:** The committee has now heard from a number of groups that are deeply troubled by what they see as an abrogation of the basic religious and human rights expressed within the Charter of Rights and Freedoms.

We share these concerns, not only as Bill 30 directly affects the rights of the members of our federation, but also as it affects the rights of other staff members and students. Recognizing that the arguments have been well stated in numerous other briefs before this committee, it is our intention only to suggest two scenarios and ask the members some obvious questions that arise out of them.

First, let us assume that a new single-storey separate secondary school is constructed in a particular neighbourhood. The family that lives immediately beside the new school is not Roman Catholic but, nevertheless, chooses to send its two children to the new separate secondary school. The public secondary school is older, has three storeys and is situated some distance away, necessitating the use of three different buses.

Both children are accepted by the separate board under clause 136o(1)(b). One of the two suffers from muscular dystrophy and is confined to a wheelchair. The other is not handicapped. The parents apply for exemption of their children from religious programs and courses of study. The handicapped child, according to our reading, must be granted exemption, according to clause 136o(6)(b). The other, the nonhandicapped student, applies under subsection 136o(8) and is refused by the separate school board.

Do the members of this committee believe it is fair and just to require a non-Catholic student to study the precepts and rites of a religion to which his family does not subscribe because he is not handicapped, while his sister is exempted for no other reason than that she is? Is it fair and just expressly to exclude students from the rights and freedoms enjoyed by the rest of our society, guaranteed under section 18 of the Ontario Human Rights Code, as Bill 30 does in subsection 136o(15)?

Had the separate school board refused both students exemptions, then only the handicapped student could have appealed to the planning and implementation commission. Do the members of the committee believe it is fair and just to grant the right of appeal in one instance and deny it in another? Is the planning and implementation commission the most competent body to hear such an appeal?

If students refuse to take religious instruction while awaiting an opportunity to appeal, can they be suspended or excluded from the separate school? Is this just?

The second scenario is as follows: Three teachers are employed by the separate secondary school board. Teacher A is a Roman Catholic

who has always taught in the separate system. Both teacher B, who is also a Roman Catholic, and teacher C, who is not Roman Catholic, were hired by the separate school board from a list of designated teachers. All three have chosen to live with partners to whom they are not married.

As a result of this lifestyle, teacher A is fired. Teacher C is not because subsections 136l(19) and (20) prohibit discrimination against a designated teacher on the basis of creed, a clause which has been interpreted to include lifestyle. The position of the Roman Catholic designated teacher, teacher B, is less clear.

Do the members of this committee believe it is fair and just to grant protection to non-Catholic teachers under this bill which are not enjoyed by Catholic teachers employed by separate school boards?

Clauses 136l(19) and (20) are meant to include Roman Catholic designated teachers in their protections. It is our understanding that this is the case. In any case, we believe their exclusion would be discrimination on the basis of their membership in the Roman Catholic faith. Do members of the committee feel it is fair and just that members of the same religious community should be granted significantly different rights respecting their personal lives, simply on the basis of the way in which they were hired by the separate school board?

**Mr. Wright:** On page 13 we address some employment concerns. That page sets out some of the complexity of the surplus procedure, which we are sure the committee has heard discussed at some length, but which exists in Metropolitan Toronto.

It is our view that the designation of teachers will add increased administrative difficulties to the system. We are suggesting, therefore, on page 14, that the committee might well entertain an amendment to the bill that would prohibit a separate school board from hiring teachers until such a time as the coterminous public boards have identified their designated teachers.

### 3 p.m.

If, in a given year, a number of teachers in York secondary schools are deemed to be surplus to the local board, some due to the general decline in the number of school-age children in the population and others due to the crossover of students from the public to the separate secondary system, a number of additional serious questions arise.

How will it be determined which particular teachers are no longer required because of general decline and, therefore, placed on the

surplus list? Which particular individuals will be designated? More specifically, how do you see the York system determining, for example, which six of 10 redundant English teachers are designated and which are declared surplus? On what grounds might any of the 10 teachers in the example above grieve one's placement on either list? What criteria should an arbitrator or arbitration board use to settle the dispute between a designated teacher and the board? The bill is silent on this issue.

Subsection 136l(8) seems to guarantee continued employment until retirement by the public board to any designated teacher who is not offered employment by a separate school board. If this were the case, we fear that public boards would be loath to designate anyone, particularly anyone qualified to teach a subject with generally low enrolment, for fear that the teacher might never be hired by a separate board. We suspect they might also be inclined to reduce the number of teachers to be designated according to agreements reached with the coterminous separate board, in order to reduce the possibility of having designated teachers not offered positions in separate secondary schools returned to them.

Our concern is that our federation, as the recognized bargaining agent for those teachers, will have no role whatsoever either in the negotiations between boards as to the numbers to be designated or in the resolution of any dispute between the public and separate boards under section 136x.

Do members of this committee believe organized workers should be denied the right to be represented in matters that fundamentally affect their working lives? Should the recognized bargaining agents be denied a role in determining how many of their members shall be designated? Must employees rely on their employers to fight on their behalf in matters that will ultimately determine whether they retain their jobs? Is this fair and just?

There is within the educational system of this province a vast number of different positions in various combinations and with different designations. We point out in this section the very difficult problem with the notion of a province-wide pool of attempting to match designated persons to vacancies. Based on what we know of the complexities of that system within Metro, it seems to us it would generate an administrative nightmare.

We ask, on page 17, how such a system can be made to operate with the greatest possible fairness and justice for all. What forum will we

use to exchange data-based information? What common coding system will match candidates to positions? We recognize the diversity in that area.

Finally, given the fact that it takes a 28-member team to deal with the secondary school surplus pool of the six Metro boards, does this committee realistically believe a three-member committee would be able to deal with designated surplus teachers and other personnel throughout the province-wide pool?

Mr. Netzel will deal with financial concerns.

**Mr. Netzel:** Secondary teachers employed by the city of York have specific concerns regarding the financial impact of Bill 30, both locally and in Metro Toronto as a whole. We can summarize these concerns as three major issues: (1) the impact of funding on the local tax system; (2) the impact on the existing provincial per pupil grant structure, and (3) the additional impact on the overall provincial funding of education.

The city of York has approximately 134,000 ratepayers, of whom approximately two thirds are public school supporters. Many of the 500 members of district 14 of the Ontario Secondary School Teachers' Federation live in the municipality. Consequently, their financial concerns about Bill 30 come from being both local ratepayers as well as public secondary teachers. We feel their concerns are therefore doubly warranted.

Under the present funding formula, the Metropolitan Toronto School Board, which exercises ultimate financial authority over the York board, receives most of its funding through local property taxes rather than from general legislative grants. At the same time, Catholic school supporters in the city of York generate approximately 15 per cent of total local secondary school revenue; this amounts to about \$5 million. Consequently, the York board will face a loss of at least 15 per cent or \$5 million of its secondary school budget because of the transfer of fees.

As demonstrated by OSSTF financial calculations presented to this committee earlier this summer, the Metropolitan Separate School Board in 1984 spent \$267 per pupil in excess of its weighted grant ceiling. As of January 1, 1986, an additional \$1.2 billion in weighted assessment may be transferred from the Metropolitan Toronto School Board to the Metropolitan Separate School Board. This represents \$71.6 million in lost public secondary education property tax revenues, according to the current rates.

This financial scenario will have a severe impact upon the local education system in York

in two respects. First, the city of York currently has the second-lowest per pupil assessment base for the secondary panel of all Metro Toronto municipalities. Second, city of York ratepayers already pay the highest local property taxes in all of Metro Toronto. It seems reasonable to conclude, therefore, that local taxpayers will likely pay even higher municipal taxes to support existing technical, vocational and academic programs unless there are amendments to the proposed legislation.

Therefore, we endorse the recommendations of the Board of Education for the City of York that clause 136(j) include a requirement for a unified mill rate and that the provincial government recognize a more realistic system of fees for service to be structured and maintained.

At this point, we would like the committee to entertain the following additional questions of financial concern:

1. Will the final legislation raise the level of legislative grants to those school boards most severely affected by student transfers, such as York's, so as to preclude even higher local property and education taxes?

2. Because of the financial impact and concern of ratepayers, will this committee recommend to the Legislature that the appropriate provisions of the Municipal Act be enacted to allow a referendum question on separate school funding to appear on municipal election ballots this November?

**Mr. Wright:** Margaret Cowan will deal with the final section.

**Ms. Cowan:** The city of York education staff members are very concerned about the ramifications of Bill 30 with respect to women.

On July 30, this committee received a brief from Shelagh Inwood Luka which stated our concerns and outlined the problems faced by female teachers within the province. Appendix B illustrates that city of York women are in the same jeopardy as their colleagues throughout the province.

It is not our intention to restate the arguments so ably presented by Ms. Luka. However, we would like to endorse her brief. We request that the committee carefully consider her recommendations, most especially 1, 2 and 3, and ask whether the committee has acted on them. Recommendations 1, 2 and 3 are before you, and I ask that you consider them read.

It has been suggested by this committee that a tribunal be given the mandate of placing surplus designated personnel in available jobs throughout the province. We ask that the committee

reconsider such a plan. We refer to subsection 136s(5) and clause 136x(5)(c).

On the understanding that all designated teachers will not be women, but given the data that there will be a higher percentage chance that they shall be, we would like to present a scenario to illustrate our concerns.

We have a happily married couple, both teachers. Because of having taken maternity and child-care leave, the wife has the lower seniority designation. She becomes a designated teacher. There is a vacant position with a Roman Catholic school system beyond reasonable commuting distance. If the teacher chooses to stay with her family and does not accept the position offered, clause 136l(9)(a) stipulates that her teaching position will be terminated.

Do members of this committee believe it fair and just to force a designated teacher to take the first position offered by a separate school board anywhere in Ontario, no matter how disruptive that move may be to the teacher's family, or to relinquish all claim to any of the guarantees set out in the bill?

Let us assume the teacher and her family accept the adjustment to weekend family life, and a position within commuting distance subsequently becomes vacant. Will the committee entertain an amendment to the bill that will establish a recall option for a teacher in such circumstances?

**3:10 p.m.**

**Mr. Wright:** That concludes our presentation. We will be more than pleased to entertain questions from the committee.

**The Vice-Chairman:** Thank you very much. Just to clarify one point, on page 23, the last point you made, are you under the impression that a teacher who is designated must take a job anywhere in Ontario?

**Ms. Cowan:** That is my understanding, yes.

**The Vice-Chairman:** That is not how the bill is currently formulated. Designated teachers will operate within coterminous boards. If a teacher in Windsor becomes a designated teacher and there is a position with the Windsor Roman Catholic Separate School Board, that teacher can take a job with the Windsor separate school board and will not have to go to Chatham, Sarnia and so forth. Those boards have no relevance whatsoever. Under this bill there will be a province-wide list, but no one will be forced to take a job on that province-wide list; it is only within coterminous boards.

**Ms. Cowan:** So if someone were offered a job in Oshawa and turned it down, he would not lose his status in his board?

**The Vice-Chairman:** He would not lose his status at all.

**Mr. Allen:** It might be helpful to extend your clarification a little. As you know, there has also been some discussion of the province-wide list. The province-wide list as originally envisaged in the bill was simply a list that would be circulated for information purposes. There has been some discussion since then of whether the teachers on that list, as long as they were designated teachers in their home jurisdictions, might not be extended the protections of the designated list for teachers handled within the coterminous board situation.

As we bounced this back and forth with various boards that might be doing the hiring, we got a pretty consistent response from them that if such a list were prepared, the originating board would be happy to waive the requirement that a person who had refused a position offered him from that province-wide list would waive his protections and his rights in the original board. Therefore, none of the scenarios you have been envisaging with regard to either the coterminous board situation or the provincial-list situation is likely to be part of this bill eventually.

It is a little difficult to respond to a series of questions as though they were statements and then to ask you about the implied statements in the questions. I do not for the life of me know what the environmental fallacy was, for example; maybe we can begin there. Perhaps you can clarify that for us; it seemed to be a very important point for you since you put it at the beginning. That is only because of my curiosity. Is that a proposition that greatly affects your approach to this bill and how you think we are coming at the bill? Perhaps you can explain that for me.

**Mr. Wright:** The reference is perhaps to page 5 in the brief. We supply a quotation from the Ministry of Education document, *Towards the Year 2000*. What is described there as the environmental fallacy is the assumption that it is possible to tinker with a system such as the education system, make adjustments in one area and not expect that the result will be a disequilibrium in that total system when in fact an unintended series of consequences will impact, in this case, throughout society.

For example, we have talked about the mill rate in particular communities. Undoubtedly there will be an impact there. We think of seniors

and the impact of the change on their property taxes as a result of the tinkering with what is happening in education. We think of the impact on families and the splitting of families where children are or may be required to attend different schools to satisfy the complexities of the bill.

The committee must bring a very broad perspective in examining those implications, for our concern is that there could be some very serious unintended consequences.

**Mr. Allen:** Thank you very much. That does help. As a historian, I know history is full of unintended consequences; one does one's best to limit them. You will have noted the committee has been entertaining a broad range of submissions and asking a wide range of questions of the people who come before it to try to get at precisely some of those concerns.

With regard to one of the cases you cited, the married couple, perhaps that reflects a misconception about those protections once more. That person would not be required to function beyond the coterminous boundaries, and therefore the distances are unlikely to be great. Admittedly, in some boards outside the major cities there may be situations such as you envisage where the travel might be great. I am sure that has to be taken into consideration.

Your examples point out cases where we are wrestling with ways in which the legislation should be formed. While you find it difficult to deal with a piece of legislation that is not totally pinned down in the amending process, that is why you are here: to make certain the changes move in the directions you want. You have given us quite a hefty bunch of scenarios to look at and to weigh into the bill, and I am happy to get them.

**Mr. Reycraft:** I wonder if someone can expand on the suggestion made on page 3 that there has been a process of informal change through ministerial pronouncement. There was the minister's recent announcement about the election of trustees who represent Roman Catholics, although that did not represent a change in the bill, which specifies they will cease to be members of the board on January 1 in the year following the election. I am at some loss to know what changes have been suggested.

**Mr. Wright:** In particular, we are interested in a report in the *Globe and Mail* of September 6, 1985, which referred to statements made by the minister in London, Ontario. It indicated that Roman Catholics will continue to pay property taxes, at least into 1987. In that report, three other changes were mentioned. That raised Mr. Allen's point. We were concerned, and we

attempted to enter into discussion with the staff of the committee about which stage of Bill 30 we were addressing.

**Mr. Reycraft:** The minister's announcement did not suggest any change in the bill as it exists. The matter of trustee representation and representation of assessment of the board is what was being addressed by that announcement, but the change has come about because, when the bill was drafted, the expectation was that it would be presented to the Legislature for third reading in 1985. That is no longer the expectation; so the effective date moves back one year.

**Mr. Wright:** Our central concern was around the time lines. We felt they were of some importance in planning for those persons within the educational community.

**Mr. Reycraft:** That is the only area of change you are referring to on page 3? Thank you.

**The Vice-Chairman:** Is there anything else, committee members? If not, thank you very much for your presentation this afternoon.

**Mr. Wright:** Thank you for providing the time.

3:20 p.m.

#### NIAGARA SOUTH BOARD OF EDUCATION

**The Vice-Chairman:** Our next presentation is from the Niagara South Board of Education; exhibit 619. Mr. Marion, perhaps you could introduce your colleagues.

**Mr. Marion:** I would like to introduce, on my far left, Don Jackson, superintendent of planning for the Niagara South board. Bruce Russell, on my immediate left, is the superintendent of business affairs. On my right is Marvin Townsend, director of the board of education.

In our brief is a description of the background of the Niagara South Board of Education. We serve seven municipalities. Since 1969, our student population has declined by 13,000 students; 3,200 of those students are secondary. Our decline at the secondary level continues. In the face of the Ontario Schools, Intermediate and Senior Divisions guidelines, there is a potential for continuing decline if students complete their secondary education in four years. The government's share in education has declined as well, from 61.3 per cent of the total cost in 1969 to approximately 47 per cent today. The board has closed 38 elementary schools and two secondary schools.

I have been a trustee for seven years, serving one year as president of the French-language advisory committee and the last two years as

chairman of the Niagara South Board of Education. I can attest to the fact that we have been forced to make some very difficult decisions as a result of factors that follow; one is the enrolment decline. Also, there are the increasing demands provincially placed upon the board, such as Bill 82, and local demands put on us by our ratepayers.

The local economic conditions have not been great in the Niagara area. You may have read of our unemployment difficulties as well as the plant and commercial closings. The government has decreased its proportional share of education and has placed more pressure on the local ratepayers. Thus, we have been under political pressure municipally to limit tax increases.

As a result of these and other factors, the board closed elementary schools, as previously mentioned. In January 1981, it appointed a study team to determine the long-term secondary school organizational directions for our board. Its report, entitled *Future Direction*, was tabled with us in February 1983.

The study, which I have before me here, is a large-volume study. The objectives of this study were as follows: (1) to maintain the Niagara South philosophy of providing the best possible educational programs for Niagara South students given the constraints faced by the board; (2) to provide a long-term direction for secondary school organization in Niagara South; (3) to ensure the provision of educational programs at a financially responsible cost to Niagara South ratepayers.

Pursuant to the study, which was distributed to all its ratepayers, the board conducted public hearings in each municipality where closure or major organizational changes were proposed, to receive the input of the community.

The future direction of the report was founded on two major premises: (1) our duty as an educational board to deliver the best possible program for students; (2) our duty as elected representatives to make this secondary school system economically viable. These problems are being compounded by declining enrolment, which was predicted, and it continues as projected.

One of the tenets of the report was that an optimal secondary school program at the time could be viably delivered only in a school with an enrolment of approximately 850 students, and that is what we went out to sell to our communities and constituents.

The fact that OSIS was tabled at the same time had an impact on our decision then. Our

experience with OSIS since it has been received is that the number is very close to the number of pupils necessary in any secondary school to provide a proper inventory of programs.

Your responsibility is no different at this time from ours then and certainly now. You must ensure the quality of education and economic viability of the delivery of education in the recommendations you make. To do so, your party affiliation, stance, and personal or religious bias must be shed.

It is not necessary for the Niagara South board to digress into the fundamental social and religious issues which are at the forefront of this debate; rather, we wish to demonstrate the same consistency and advance the premises upon which we face our own constituents on all occasions, including school closures and future directions. Bill 30 fails to address these concerns or allay our fears for the future.

The crux of the bill is dependent upon the expression "best interests of public education," which is referred to in three separate places: subsections 136a(3), 136v(2) and 136x(6). There is no attempt in the bill to refer the Minister of Education or the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario to the characteristics of any plan or resolution which would meet the best-interests test. We recommend that further elaboration be made in the bill on what is in the best interests of public education.

The first appropriate criterion we might advance would be the economic viability of any plan or resolution, provincially or locally. An example would be that no low-enrolment program should be duplicated. There are reports that in some municipality—I believe it is Kenora—there is approval for a separate secondary school with an enrolment of approximately 41. I would submit that is not feasible or economically viable.

Second, program quality in the affected jurisdiction must be maintained. Third, there must be no loss of revenue incurred by either system of education for which provincial grant compensation is not received. Fourth, there should be sufficient co-operation demonstrated in the plans or any resolution achieved in terms of provision of school planning.

We contend that the expression "best interests of public education" is deceiving. It should be amended to read "the best interests of publicly funded education" to reflect that the test in the

legislation requires scrutiny of the impact it has on both boards.

You can imagine some of the frustration experienced by the Niagara South Board of Education with respect to the modus operandi of the province on this issue. Our small board has gone to the trouble of preparing a report of this volume for public hearings in four different municipalities, and it is proposing to close only three secondary schools. You would think Ontario would have enough organizational insight and resources to do a comprehensive study before entering upon proposals to reorganize all of secondary education in the province.

We are proceeding in the face of some unresolved but critical matters in educational governance. We face issues in French governance at this time. We had before us not more than nine months ago a new model for French governance education and that is not yet resolved. There is an upcoming report on the financing of education which has not yet been received. A report on private schools is also due.

We are also in the throes of a constitutional reference which may render this whole process illegal. That is not to say the process is illegal but certainly the matter we are discussing may be illegal. There is also a threatened contest on the legality of procedures adopted by the Ministry of Education for implementation at this time.

French language rights have been dealt with by the province and by the courts and definitely have been determined legal. It is ironic that while these are not yet acted upon, implementation is proceeding on this school funding issue, which is not yet resolved legally. Elected representatives owe it to the public to demonstrate more care and a rational approach to educational governance.

There is also in the bill a lack of accountability of politicians. The minister and government have, in the bill, successfully isolated themselves from the impact of the implementation process. The commission is provided with very broad powers and there is no right of appeal from any decision it renders to the ministry.

**3:30 p.m.**

Locally, the feeling of trustees is that it has been a growing provincial practice to let the local representatives face the heat. The collective opinion at this point is that we have had enough and it is high time the minister faced his own problems. The appeal process should be provided in the legislation, since many of these decisions will be political decisions and politicians should respond to the concerns of constituents.

The separate school trustees issue is also very ambiguous in the legislation. Section 136i is unclear about the term to be served by the separate school trustees. This, we would submit, needs clarification.

As well, we would recommend that if they are going to serve another term on the public boards of education while we are discussing implementation, there should be a conflict-of-interest provision in the legislation so they do not participate or have any presence at the table when we are dealing with matters of implementation, since they can affect opinions, and many confidential matters may be discussed.

There are many financial issues that must be settled, stated or addressed. Quite a few numbers were banded about for the original estimates of the funding. The first one was \$40 million. Now we have progressed to \$350 million or \$500 million, depending on the source.

In Niagara South we would probably have very difficult problems with our taxpayers if we proceeded without knowing the facts. I would suggest that the province should reconsider whether it wants to proceed with the direction it has adopted without further consideration, since there seems to be a divergence of opinion about the financial consequences of its plans.

As a trustee who has pleaded poverty—and believe me, we plead it all the time—and economic hardship in the name of fiscal responsibility over the years, I feel somewhat foolish as a result of the provincial government's actions. Without a comprehensive study examining all the alternatives, the government has resolved to spend considerable sums. This is especially shocking when we read the headlines about our national and provincial deficits and the threat to our triple-A credit rating.

We have come to realize in education locally that economic resources are limited. I was talking to a taxi driver today who said that the elastic can be pulled only so far. That is certainly a concern, because if costs for education are increased, other provincial or municipal initiatives will have to be curtailed.

We are not convinced that the people of Ontario have given the provincially elected representatives the mandate to cut health or other services to spend more on education. There is in the legislation no guarantee of adequate future funding for public education. In view of the economic facts previously referred to and in view of our experience with provincial verbal guarantees, which have fallen far short of practical economic realities, such as the promise to fully

fund Bill 82, we insist upon a guarantee in the legislation. Needless to say, the decreased funding will mean loss of program quality and opportunity in both Catholic and non-Catholic schools, and this we cannot risk.

There is also some discussion in our brief of loss of assessment. We have been conservative. We have not added to that number any loss of assessment of people who do not currently have kids in school, nor are we certain what the impact of loss of commercial-industrial assessment might be. However, I am sure the committee will address these issues in its report.

Our recommendation to you would be that the legislation provide for compensating grants into the future—and this means continuing—for all loss of assessment to the public school boards as a result of implementation. We do not want this burden passed back to our local ratepayers. They cannot afford it any more.

Program costs also need to be addressed. Section 136d provides for the opportunity of the Roman Catholic separate school boards to purchase service from public school boards and we are to be compensated for that purchase by way of regulations.

The present regulations are insufficient with respect to compensation. We want to ensure that we receive full cost recovery for the cost of the program, which includes transportation if it is necessary that the public board provide it. Otherwise, what will happen is that the public school ratepayer will be supporting separate school education.

We are also very concerned about certain opportunities that are not afforded to the public school boards. According to section 136d, we must provide for service to separate school boards but we do not have the reciprocal right to purchase service from the Roman Catholic school board. If they have, for instance, a high-cost computer program and we do not want to purchase the equipment, we should have the opportunity to purchase service.

There also is some concern about the fact that, while it says in section 136c they will provide a complete program, because they may purchase service they may pick and choose what program they wish to offer. Could they offer simply a basic-level program as required under OSIS and say the public school board is going to specialize in basic programs, or in special education programs, for instance? The bill must not allow separate school boards to offer programs that merely enhance their educational image.

There is another consideration under section 136a. A bylaw is to be passed by the separate school board, which the minister may approve. Once approved, can that bylaw be rescinded because board bylaws can be rescinded at any time?

After half a year of implementation, if they were not happy with the catholicity in the schools or if they had an unfavourable decision from the commission, would they have the privilege, which seems to be open-ended in the legislation, to rescind their bylaw and say, "We wish to revert to the status we previously had"? What will happen in that event to property, staff, students and assessment?

The principle of universal access is not totally respected in the legislation in that a condition of accommodation is placed upon the ability of the student to enter into the Roman Catholic separate school system. There is a lack of definition of the word "accommodation." It does not say whether it is accommodation in space or accommodation in program. That needs to be defined because it makes a significant difference.

There is also an opportunity for arbitrary decisions to be rendered by either school board as to whether it will provide accommodation. There is a suggestion by us that a joint management board co-ordinate enrolments in each jurisdiction.

There is a loophole in the legislation in regard to universal access. A Roman Catholic separate school ratepayer who wishes access to the public school, although we may deny it because there is no accommodation, may simply designate his taxes as public. Then we must guarantee him entry. We do not have an equal privilege of denying entry. We suggest universal access should be open-ended with no qualification or condition placed on it. Then we will not have any problems.

Staff issues are also foremost as a concern. I refer you to subsection 136l(1), where we are to designate redundant staff by name and not by positions of redundancy. This can lead to the following scenario. If you have 10 redundant people, five by natural decline and five by reason of the implementation of separate school funding, which five are to be designated by name to the separate school board for potential hiring?

After that, which five, or what balance, are we to maintain in our employment under subsection 136l(8)? Could not all 10 claim to have qualified as being persons made redundant because of the implementation of separate secondary funding

and, therefore, cause us a grievance, so we must maintain them under our employment?

My second point with respect to that is the fact that the legislation indicates, again under section 136l, that the Roman Catholic separate school board is to employ only people who have the qualifications for the positions they have available. In a system that is in decline, such as ours, we have been mixing and matching our staff as best we can to ensure program. We have not had the luxury of taking people; we make people qualify for jobs.

**3:40 p.m.**

The Roman Catholic separate school board may be able to completely avoid hiring any public school staff by creating available positions that do not coincide with the qualifications of the people we have as redundant. It is also unacceptable under subsection 136l(8) that we must maintain at our cost in our employment the people who are redundant and who are not hired by them. The legislation does not say it is going to be at anyone else's cost, and we find that totally unacceptable. If you wish to resolve all of those problems, simply remove the designation of qualification, first of all, and determine that the people they are going to hire equal the number of positions we have that are redundant and that they will take the most senior of our staff on the seniority list.

With respect to facilities, we have two problems with the legislation. The first one implies that there will be a transfer and there is no discussion of the equity of the public school ratepayer in the building that is being transferred. We want a formula included in the legislation that provides for adequate compensation.

In section 136x, there is also an indication that the commission, in the event that we do not agree with the separate school board, is going to choose which property we are going to transfer. Under those circumstances, I would invite any of you gentlemen down to meet the people we met when we went for a discussion on future directions. You will enjoy the feedback you will get from them. But it is not acceptable to us. It is the public school's prerogative to decide which building is surplus to its use and, at that time, that building is to be evaluated and fair market values to be obtained.

There are societal issues which obviously have been discussed at length before you, and the professed value of integration you have heard of. I believe it was very eloquently put by Mr. Borovoy of the Canadian Civil Liberties Association. Most people will accept that as basically

common sense and irrefutable. There is some benefit to integration to be advanced before this commission.

There also is some concern that once we make a first step, we will have pressure on government to further fragment the public education system by way of financing of private schools. Need I say there are diminishing resources in Ontario. We are concerned that in the future, education may not have the priority and that an ageing population that is the majority voting will not pick health or pensions as taking priority over education and education will not receive the funding it needs in order to provide opportunity.

I do not think I can get any support for the position that a comprehensive study on educational governance at this point would be politically acceptable although it probably should have taken place a long time ago, but there needs to be some way of providing for co-operation. We advance a unified model and it would be a secondary school education model for full programming at secondary schools, or just senior secondary school with status quo up to grade 10 and, beyond that, some sharing which is dictated by the legislation. The way to dictate it—and we will not get the co-operation we require to achieve this—is to put it into the legislation and it may be done by way of incentive grants for those who co-operate to the extent deemed necessary by the legislation.

I do not have any further comments to make. We would be pleased to assist you by answering your questions. Thank you.

**The Vice-Chairman:** Are there questions?

**Mr. Guindon:** Mr. Marion, it seems to me you are very familiar with the French-language advisory committee, as you said you were the chairman or the president.

**Mr. Marion:** That is right.

**Mr. Guindon:** What is their opinion? Or did they give their opinion on your brief?

**Mr. Marion:** Yes, the French-language advisory committee felt that probably the initiative of Ontario was deplorable in the sense that its rights had been determined. They were entitled to model the French governance and the rights in this case have not been determined; they are before the courts. Yet we are proceeding with implementation of something that is not yet deemed legal and has not even received the attention or status it should. They wished us to advance that position, which we have tried to do in our brief.

**Mr. Guindon:** Do I understand they would take about the same position as l'Association canadienne-française de l'Ontario?

**Mr. Marion:** I assume most of the francophone population of Ontario has taken that position at this time.

**Mr. Allen:** I believe this is the first presentation we have had from the peninsula.

**Mr. Marion:** Was Lincoln here this morning?

**Mr. Allen:** Lincoln was here this morning. Today is the first day we have had presentations from that region. I wonder if you could help us with a few basics with respect to the scale of your board's operation. You told us how many schools you have closed. You did not tell us how many you have left. I wonder if you could tell us what has happened vis-à-vis your interplay with the coterminous board under the initiative of the planning and implementation commission, what the expectations were of transferring numbers of students and whether they seem to have been more or less realistic with respect to this September's teacher situation.

**Mr. Marion:** I have some general background and I will limit myself to the secondary population. At present we have 11,500 students at the secondary level and we have 16 secondary schools. Four communities within our board have only one secondary school, and that is a public secondary school. There are no Roman Catholic secondary schools in those communities. Of those 16 secondary schools, two are vocational. We have two small academic schools, one French-language school and 11 composite secondary schools.

We went through the process, as did every other board of education, and had some fairly harmonious discussions with our coterminous boards. We are a small community, but the city of Welland, if you are familiar with it, has a large ethnic population. We have a very rich multicultural heritage in that city and we get along, frankly, very famously in some sense. There is no distinction in the city on the basis of religion, creed, race, origin or language.

One thing I would like to say is that we want to continue that kind of harmony if we can and certainly not create any division in the population on that basis. We did proceed with our discussions with that intention. Our discussions have not broken down, but we have some things that cannot be decided, obviously, without legislation.

No one can commit himself to any firm position. We actually do not have an agreement

and we did differ on a number of things. We do not have any agreement on how we decide what is the decline in population enrolment as a result of this provincial initiative. We do not know or agree on the number of teachers who are going to be lost to the system.

There are certain cases in which we have encouraged people to take a sabbatical to avoid redundancies. Do we carry our credits forward because we have able not to lose teachers or create redundancies, so that next year when these people come back they will be credits to us? Our redundant staff next year may be increased by the number who were on sabbaticals. Do we carry those forward and will we get those people hired by the separate school board? That is not negotiated.

A lot of things could not be done until we had legislation which was in force. I can give you an example. We have a French-language system in our area. Welland has four elementary French-language public schools and one secondary French-language public school. In the separate system there is one French-language elementary school in Niagara Falls and one in Port Colborne, all within the same jurisdiction.

We have a superintendent of French-language services, but they do not. We suggested that it made no sense for the French-language advisory committee or the board of education to support the salary of this one superintendent and that we should consider sharing services, consultancy, etc. We could never get that through, and that is why we are suggesting that the legislation needs to take this into consideration.

If it is not in the legislation, you cannot leave it to the goodwill of all; otherwise, we would not need any legislation in Ontario to achieve the results you wish. That is why we are urging the commission to provide us with some teeth so that we can bring about all the co-operation that is necessary in secondary education to make it viable and to ensure that we maintain quality.

**3:50 p.m.**

**Mr. Townsend:** Could I say just one other thing? It might help Mr. Allen as well. There are 11 composite schools and, of those, only two have in excess of 1,000 students. That is rather key because the rest of them are in the neighbourhood of about 700 to 750, and they are at a critical point in terms of the impact of the Ontario Schools, Intermediate and Senior Divisions guidelines, etc. With the quickening decrease of secondary school students, that is a very key element. We lose 400 to 600 elementary school students each year, regardless of this

particular issue. That is our declining enrolment. It is now entering the secondary panel.

**Mr. Allen:** Thank you for that information and also for the elements of the best-interests test, which we should examine very carefully. The legislation needs to include that kind of criterion. Thank you also for telling us your sense of the numbers that constitute viability in your region.

I still have missed one item and that is, were you unable to identify any student loss as a result of the assumption of grade 11 programming in your coterminous board?

**Mr. Townsend:** The answer to that right now is that we have a basic disagreement as to how many students actually have transferred over to the separate school system as a result of this proposed legislation. The difference really revolves around the issue of grade 8 students. We believe there is a change in impact on the public school system as students move from grade 8 to grade 9 because of this legislation.

The separate school has some difference of opinion on that issue. When we ask at the planning and implementation level, there are different answers given to different groups. That needs very strong clarification, in our judgement.

**Mr. Allen:** Can you give us some sense of those different answers? That does concern me because I had understood there was one answer to that question, and it was that students were being measured at the transition point from grade 10 to grade 11 and in terms of the public board's pupil-teacher ratio. That was the way numbers were designated and positions or persons were going to be identified. You are getting different messages. You are saying other things are being said. What other criteria are being communicated?

**Mr. D. Jackson:** We sought clarification of this matter directly with the chairman of the commission because there was a different interpretation between our board and our coterminous separate school board on whether or not grade 8 students to grade 9—that particular retention figure—were to be included in the actual loss. Both of us heard different points of view from members of the secretariat of the commission.

Towards the end of June, we received a letter signed by the chairman indicating definitively that the difference in retention rate from grade 8 to grade 9 from a year ago and what will be happening right this very minute were to be part of the figure. From our point of view now, we feel reasonably good about our numbers. How-

ever, the numbers still do vary from somewhere in the neighbourhood of 50 to 60 pupils, which, on a ratio in the neighbourhood of 15.5 to one, produces a significant number of positions.

**Mr. Allen:** Fifty or 60 is the difference, but what is the overall range we are talking about?

**Mr. D. Jackson:** The difference between the two boards is approximately 50 to 60 pupils.

**Mr. Allen:** I mean what are the numbers to which the 50 to 60 relates? It is 50 to 60 between which numbers?

**Mr. D. Jackson:** Between a number which we projected in the neighbourhood of 88 to 90 and theirs of down in the region of 40, I would say.

**Mr. Offer:** On page 14 you indicate an anticipated decline of 942 by 1989. How did you arrive at that figure?

**Mr. Marion:** I will allow Mr. Jackson to answer because he had to evolve these numbers for the Niagara South board.

**Mr. Offer:** Go slow in referring to that.

**Mr. D. Jackson:** We referred to our historical data as a starting point. During our discussions with the coterminous separate school board, the Welland County Roman Catholic Separate School Board, we made some assumptions about the increased retention of grade 8 separate school students to grade 9 separate high schools. In 1984, for example, the figure for their students who went on to their own high schools was approximately 48 per cent.

We have projected that by the end of the five-year period it will be up in the neighbourhood of 75 per cent. As you move those numbers along over a five-year period, the ultimate decrease works out at the figure of approximately 1,000 pupils more over that period because of the increased retention from grade 8 separate to grade 9 separate high schools.

**Mr. Offer:** Have you worked out the percentage for this September based on your 88 to 90?

**Mr. D. Jackson:** For this year?

**Mr. Offer:** Yes.

**Mr. D. Jackson:** In the impact statement itself, the projection was increased to 51 per cent. It was 48 per cent in 1984 and we projected it to be 51 per cent this year. I do not think there is one board that will be able to tell you officially what will actually happen until the September 30 enrolments are known, but we have very definitive reporting procedures in place with our secondary schools. We can put a name on every

body that moved from both the separate elementary schools and the public elementary schools.

**Mr. Offer:** Thank you.

**Mr. Marion:** I will leave with the committee a copy of our report on future directions in secondary school education, which indicates what boards have had to go through that are in decline and looks at the percentage decline in population. We can predict, and we accurately did predict in this report, what our decline would be and is today. We hope it will assist committee members in arriving at how to provide for program under those circumstances.

**Mr. Davis:** On the loss of students and the effect upon a secondary panel with respect to the teachers in grade 8, it was our party's understanding that was part and parcel of the whole process. We advocated the impact it would have on elementary and we have been advocating the position of asking whether elementary teachers are protected under Bill 30 as well. Have you seen any impact on programs in your elementary schools because of the additional funding?

**Mr. Marion:** Probably not yet, but one of the things the commission should recognize is that it is not going to happen overnight. One reason is that the legislation has not been tested. It is not in force and it has not been tested by the courts as to whether it is legal.

In addition, locally there has not been any expansion of program yet by the separate schools. They are just learning about expanding programs or getting ready. They cannot all of a sudden blow up into full composite high schools. It is not possible, unless they expand their buildings and get more facilities, because they are full up now in our area. Unless they get more buildings from us, more space, they do not want more students.

When they have more space and all the bureaucracy in place to take care of more students, you will see a shift. Do not look for the shift today to justify your decisions. Look at the potential shifts once you have put in place the machinery to accommodate the students.

**Mr. Davis:** Let us look at the potential shift. If you as a board were able to project your declining enrolment in your master plan, have you any concept—and I know you have to use 100 per cent figures—of what the ultimate possibility of a shift is in the elementary panel for you people?

4 p.m.

**Mr. Marion:** I am not sure whether we projected that. It was very difficult for us to do because we did not know a number of things,

such as what the separate school board was going to provide ultimately in education. Is it going to be providing French-language education where there is a French-language system already in force? Are they going to be providing a full composite program? All of these issues need to be decided prior to our being able to project population loss. We did not buy a crystal ball for that one.

**Mr. Davis:** Let me ask it another way. What percentage of elementary students in your jurisdiction do you understand to be Roman Catholic?

**Mr. D. Jackson:** In our elementary schools right now it is not a very significant percentage.

**Mr. Russell:** No, it is not a significant percentage. But as Mr. Marion mentioned, our French-language schools are in a public system. I would submit that well over 90 per cent of those students are Roman Catholics. That will represent a number of maybe 700 or 800.

**Mr. Townsend:** We do not offer junior kindergarten. We did six years ago, but as an educational decision, and not any other kind of decision, we questioned the value of it. That was our judgement. The separate school does. I suspect if we do not get on the bandwagon, we will be losing close to 100 per cent of those kids.

**The Vice-Chairman:** Are there other questions from the committee?

**Mr. Marion:** I heard the submission before this one, and there was comment about a teacher being transferred into another jurisdiction. I was always under the impression that subsection 136l(9) did not limit. In fact, it says that we were only responsible to employ those people that did not accept the transfer. Subsection 136l(9) did not limit which jurisdiction they were offered a job in. I thought that was the point being made, and I might concur with the speaker who was here before.

As a final comment, I want to indicate to the committee that we do feel there is some opportunity within a model of co-operation in terms of acquisition of human beliefs, human attitudes and moral values. I think the accepted child development studies indicate that personality development and the acquisition of conscience, morals and beliefs probably takes place at a fairly early age. Most parents recognize that they have done the best they can by the time kids are in high school and they hope their children will do very well in the future.

We are prepared to provide religious instruction, if we have a high school in which facilities

are shared. There can be free expression for Roman Catholics. We put forward the position that the system of public education in the province does represent high human and moral values. The system provides the opportunity, through brotherhood, for everyone to profess the tenets of the Roman Catholic faith—those being love, understanding and tolerance. There is a proper setting for the development of religious values within a co-operative model.

We thank you for your patience and the opportunity to make this presentation.

**The Vice-Chairman:** Before you leave, I think Mr. Davis has one other question.

**Mr. Davis:** Assuming your figures on page 11 of the last assessment are correct and you still find yourself \$1.7 million shy of affording the kind of education you are now paying for, what percentage increase in taxes does that kick in?

**Mr. Marion:** It is a budget of over \$100 million. I do not know how we can convert that quickly.

**Mr. Russell:** It would represent about a four per cent increase overall, if you are talking about the total board. If you are talking specifically about the secondary panel, it would be in the area of eight to nine per cent.

**Mr. Davis:** What is the cost to the taxpayer?

**Mr. Russell:** The cost to the taxpayer would represent that type of percentage increase.

**Mr. Davis:** Four per cent.

**The Vice-Chairman:** The next presentation is by the Knights of Columbus; Mr. Doyle. It is exhibit 620.

Mr. Doyle, welcome to the committee.

#### ST. PATRICK MARKHAM COUNCIL 7689, KNIGHTS OF COLUMBUS

**Mr. Doyle:** We thank you for the opportunity to express our views about Bill 30. My name is Sean Doyle; I am grand knight of the Knights of Columbus St. Patrick's Markham Council 7689. The gentleman on my left is Terry Ryan; he is the deputy grand knight. The Knights of Columbus is a Catholic men's organization, dedicated to fraternal and charitable activities. Our council membership is about 106 at the moment, living in the Markham and Unionville communities of York region.

When our council was formed in 1980, one of our first objectives was to promote the establishment of a Catholic high school to serve the town of Markham. I might add that Brother Andre High School opened its doors on September 3, 1985, in temporary facilities. My council has

also been active in assisting the existing private Catholic high schools in York region; so we are aware of the financial problems encountered by the private sector of these schools. As you may be aware, the Catholic school system in York region is one of the fastest growing in Canada and the demand for both public and separate educational facilities has been significant.

While following media reports of the various groups and organizations submitting presentations to this committee, members of my council expressed concern that the majority of the briefs appeared to be negative towards the completion of the Catholic school system. Our purpose in requesting an opportunity to speak to you today is simply to give our perspective on the proposed legislation as Catholic parents and taxpayers and our position on some of the major concerns that have been expressed by the non-Catholic community.

As our members range in age from 18 to 83, some single and some married, some with families, some with children who will benefit from Bill 30 and many who have had to pay tuition fees for Catholic high school education, we feel qualified to speak on this issue. We work in a variety of fields, including teachers in both the separate and public systems. We come from a variety of national heritages. We support a variety of political parties.

Different as we are in many ways, we share a common belief: that religion is an integral part of our lives and that our beliefs and values must be passed on to our children as a vital part of their educational environment.

We consider ourselves fortunate to be living in this province and to have the opportunity to educate our children in a publicly funded elementary system. Many Catholic families, where facilities exist and family finances permit, continue their children's education at private Catholic secondary schools. However, the increasing cost of education is making it more difficult for parents to finance the final three years of their children's secondary school education.

We suggest to you that this is a particular hardship for young men and women who have been in the Catholic system from junior kindergarten to grade 10 and who have had to change systems because of family financial hardships. Many of our private school students have financed their tuition through summer employment, but finding summer jobs has become more difficult for many students.

4:10 p.m.

The vast majority of the Catholic community, while expressing concern about the maintenance of the catholicity of the current system, welcomes the proposed financial completion of the Catholic school system.

As an organization that has been long active in funding scholarships and bursaries for Catholic private high schools, the Knights of Columbus recognizes the increasing financial hardships of parents and students having to pay tuition in excess of \$1,000 a year to complete the last two or three years of basic education. This is a particular hardship to those families with more than one child in the private sector in the same year.

The Catholic community also welcomes the opportunity, and will accept the responsibility, to provide for the needs of all Catholic children by providing a complete range of programs and services regardless of academic skills or career objectives. It has always been a source of regret to the Catholic community that some of our children have had to change systems because of their special needs or special interests.

Whether Catholic secondary schools fully funded by the government are a constitutional right, an extension of policy or a new privilege is for the courts to decide. But considering the basic concept of responsibility, I would like to comment on the conditions that the proposed legislation indicates will accompany increased funding.

Regarding non-Catholic students, we do not believe the government or school boards should be expected to build duplicate facilities or offer duplicate programs where there are not sufficient students to justify the cost.

Where there is a true need owing to distance or limited demands for programs, Catholic high schools should be required to accept and make welcome all non-Catholic students. These students should not be required to take courses of study that conflict with their own religious beliefs or personal moral philosophy.

However, we do object to a totally open system. Not only would this unnecessarily dilute the Catholic nature of the system, but we suggest it would also be harmful to the existing public boards, which could lose students for other than religious or academic reasons.

If non-Catholic students are to be admitted for other than the above reasons, they should be required to participate as much as possible in school activities and be required to take credits in religious studies.

Regarding non-Catholic teachers, it is our belief that the Catholic community accepts without question the responsibility to ensure the job security of today's secondary school teachers. No one having entered the teaching profession on the basis of one educational system should lose his or her employment as a result of extended funding.

However, we suggest to you that this matter is also the greatest concern of Catholic parents. We do not believe the Catholic high school system can exist and prosper unless the vast majority of its teachers are practising Catholics committed to the teaching of the faith, not only by word but also by deed and action.

The importance of the Catholic teacher was highlighted by the Supreme Court of Canada in its ruling relating to the expectations that school boards should have of a Catholic teaching staff. Mr. Justice McIntyre stated:

"To carry out the purpose of a [Catholic] school, full effect must be given to this aspect of its nature, and teachers are required to observe and comply with the religious standards and to be examples in the manner of their behaviour in the schools so that the students see in practice the application of the principles of the church on a daily basis and thereby receive what is called a Catholic education."

Mr. Justice McIntyre further stated:

"The relationship of the teacher to the student enables the teacher to form the mind and the attitudes of the student. The Catholic school difference does not consist in the mere addition of religious training to the academic curriculum. The religious or doctrinal aspect of the school lies at its very heart, and colours all its activities and programs. The role of the teacher is fundamental to the whole effort."

While recognizing the rights of non-Catholics to maintain employment, some Catholics have expressed concern about lifestyles of some of these teachers. We do not think it is unreasonable to expect Catholic teachers who have applied to the Catholic board and in that application have stated they are practising Roman Catholics to maintain that lifestyle during the tenure of their employment.

Non-Catholic teachers working in the Catholic system are expected to maintain a lifestyle that would serve as a good role model for young people. However, they should not be expected to adhere to religious beliefs that are not consistent with their own.

We hope the non-Catholic staff will be sensitive to the Catholic environment within

which they will be working as professional educators. They must be aware of the stress and confusion they could cause their students by an overt promotion of lifestyles inconsistent with Christian teaching.

With goodwill and understanding by all parties concerned, the question of employee transfer can be solved with justice and fairness. We hope the legislation will allow public and separate school boards to negotiate transfer procedures that are appropriate for the communities and teachers involved.

I would be remiss to my council if I did not comment briefly on the statements made about the process through which the proposed legislation has evolved.

We can think of no other piece of major legislation that has provided for such extensive public input. Despite the overwhelming support of all three parties and the near-unanimous approval of Bill 30 at its first reading in the House, both time and resources have been allocated for review, discussion and amendment.

As well, the people of Ontario have had an opportunity to express their response to the proposed funding during the May election subsequent to the policy announcement.

In our riding of York Centre, there was one independent candidate and a candidate from one of the major parties who were opposed to the completion of the Catholic school system. The two pro-funding candidates took the vast majority of the votes.

In all fairness, I should point out that these results are consistent with the previous election. However, the people did have an opportunity to support anti-funding candidates.

Catholic high schools will continue to exist in this province regardless of the fate of Bill 30. The question that Bill 30 will resolve is whether Catholic high schools will be available to every Catholic student regardless of economic status and educational need or only to those students in large urban areas who have the financial means to pay their tuition. Because of constraints, these high school students would not be provided basic-level and technical courses.

The challenge to the men and women of our provincial parliament is to prepare and approve legislation which not only addresses what we believe are the legitimate needs and wishes of the Catholic community but which also protects the existing public system.

We do not wish to seek a Catholic system that will compete with or weaken the public system in any way. We seek only the equality of education-

al opportunity that was the spirit of the fathers of Confederation in drafting the British North America Act.

We agree that the religious environment has changed since Confederation and that the religious conflicts that led to a dual system of education have fortunately disappeared almost entirely from our province. But other changes in society have highlighted the imperative need to teach our children in an environment that will not only train their minds but also prepare them for Christian adulthood.

**4:20 p.m.**

In his visit to Canada, Pope John Paul II spoke frequently of the pluralism of Canadian society. Speaking in Winnipeg, he stated: "The pluralism of traditions, pluralism of cultures, pluralism of histories, pluralism of national identities—all these are compatible with the unity of society."

We object to those who claim this proposed policy will divide our society. We object to those who claim it will create a new educational system. We do not accept that it will weaken the existing public system.

Our response to these critics is that Catholic education has existed in this country since the arrival of the first settlers. The first schools in this province were religious schools, both Catholic and non-Catholic. Rather than dividing, these schools promoted unity by producing not only educated children but also citizens dedicated to the moral and religious beliefs that built this country.

The public secondary school system will continue to prosper and grow in the same way that the public elementary system has developed and prospered alongside the Catholic elementary system. The quality of an educational system is not measured by the quantity of its graduates but rather by the quality of its programs.

Non-Catholics will not be asked to fund Catholic education with their provincial tax dollars. Those Catholics who direct their municipal tax dollars to the separate school board also pay income tax in the same proportion as public school taxpayers.

While it is true that the public boards will no longer receive funds from Catholic ratepayers, they will no longer have the responsibility to provide services to that segment of the population.

Our country has always accepted the important role that religious and denominational schools have played in the formation of Canadian youth. In other provinces, such as Quebec and Alberta, equal funding has been in place for many years

with no negative impact on the public system. Indeed, some provinces provide funding to a variety of denominational schools.

In closing, I would like to try to give this committee some concept of why Catholic parents want a Catholic education for their children. I believe it can be best done by quoting from a philosophical statement on Catholic education from the Canadian Catholic Schools Trustees' Association:

"We believe, along with Vatican II, that youth has a right, acquired at baptism, to be brought into contact with the mind and values of Jesus Christ in order to be able to freely choose. Catholic parents are duty bound to provide this contract, to share their faith. To do so in today's complex and often hostile world they need help, help the authentic Catholic school can give.

"The Catholic school exists to serve parents by helping their children to advance in Christian maturity. They do this by serving so many basic needs of our youth: the need for meaning, the need for a sense of belonging, the need for integration of faith with culture and everyday life, the need for contact with the sacred, the need for leadership and the need for self-appreciation."

Thank you for your time and consideration. My brother knights and I hope these comments will assist you in your deliberations.

**The Vice-Chairman:** You refer to staffing in your brief, as have other members of the Catholic community, and we have always got into discussions on staffing. In your brief you rightfully refer to protection for existing public school teachers. Maybe you can help me with one question that is put to us by members of the public on occasion.

What do you say to the non-Catholic individual in a college of education at university, soon to graduate and become a teacher, who will not be a designated teacher and because of Bill 30 has had his or her opportunity to find a job within the secondary school system diminished? How do you answer that question and the concern that exists?

**Mr. Ryan:** I do not think the situation is any different with the young teacher-student who is studying for the elementary panels. We have always recognized that we have Catholic elementary schools in this province and that only Catholic teachers will be hired unless there is a specific need that cannot be addressed by a Catholic teacher.

We should recognize that it will take a while to develop a Catholic high school system. It is not

going to happen overnight. The legislation talks about a 10-year guarantee for displaced teachers. I think there is going to be opportunity. I do not necessarily believe all Catholic teachers will be immediately available to teach in the new system.

Catholic boards have to look first at the best-qualified teachers available and if those teachers are non-Catholic, then we would hope they would come into this new system and recognize it as Catholic. They are not going to be bound by the tenets of the Catholic faith. They can still apply to the system; if there are openings, they will be considered.

However, we suggested that first preference should be given to those Catholic students who are graduating because we need to have the Catholic attitude and environment built into these new Catholic high schools. By the same token, as these Catholic schools grow—the population of Ontario is one third Catholic now; presumably one third of the public high school teachers are Catholic—we hope there will be some procedures in these transfers to allow Catholic teachers who are already in the system to volunteer to come to the new system and create openings in the public system.

**The Vice-Chairman:** I think it is fair to say the committee is looking very seriously at amending the bill to provide for volunteers.

**Mr. Villeneuve:** To Grand Knight and Deputy Grand Knight of Council 7689, congratulations. We appreciate your input.

On page 2, non-Catholic students, about halfway through the second-last paragraph you suggest that you object to a totally open system. What is your conception of a totally open system? You refer in previous sentences to possibly easier accessibility than Bill 30 envisages. Would the fact that parents of non-Catholics would not be able to divert their taxes to that system be sufficient, in your opinion, or do we need to tighten the regulations more?

**Mr. Ryan:** The thing that concerns us is we do not want to see the Catholic system evolve into some type of alternative to the public system, where people who have some complaint about the public system feel they can use the Catholic system as an alternative.

The same standards that apply to our elementary system today should apply to the new secondary system, in that only Catholics would be allowed to direct their taxes and only Catholics would be allowed to vote in municipal elections and only Catholic children would have an automatic right of admission.

In the event that non-Catholic students need to attend these Catholic high schools, for whatever reason, that should be negotiated between the two boards as far as the cost is concerned. Those non-Catholic parents should be allowed to maintain their right to support the public system and the public system can then purchase services on some type of fee-for-service basis from the Catholic high schools and vice versa. The important thing we have to concentrate on is that the Catholic community is responsible for Catholic children; that may be by providing schools or by purchasing services from the public system to avoid duplication.

**Mr. Villeneuve:** It is a Catholic system and I believe it is intended to stay that way.

I come from a riding where the largest town has slightly more than 3,000 people. We are faced with towns with one school at best. Many towns do not have that one school. I have a little problem with accessibility. If the school in one of these towns were designated as a separate school because of the location or because of distances, I would hope non-Catholic students who wish to attend there would not be prevented from so doing. I realize you are addressing it from an urban standpoint, which is totally different from what we have out in rural Ontario.

4:30 p.m.

**Mr. Ryan:** From our perspective in York region, we do not have a problem with surplus facilities or teachers. We have more students than we have space or teachers for in both systems. We are growing very rapidly.

But in the small towns of northern Ontario, for example, I think the boards have to look at some type of sharing facility where you may have one building with two organizations sharing vocational facilities. But you have the Catholic environment and it may have to be within one building because you cannot build two schools side by side when there are not enough kids.

**Mr. Villeneuve:** You have no problem with that? The fact that non-Catholic people would not be able to direct their taxes directly to the separate school board and automatically become eligible to run for that board would be a sufficient built-in protection at that stage?

**Mr. Ryan:** I am sorry. Are you suggesting that non-Catholics could go from—

**Mr. Villeneuve:** No, no. It would remain this way, that they not be able to do so, but that there would be a compromise situation where the public board would pay a per capita amount to the separate board. I realize that if non-Catholics are

able to direct their taxes to the separate board, we would have two parallel systems and the catholicity of the separate system would be lost. Would the fact that non-Catholics are not able to direct their taxes to the separate system be protection enough?

**Mr. Ryan:** Yes.

**Mr. Offer:** On page 3 you talk about the non-Catholic teacher as a good role model for young people and you are referring to the separate school. As you know, under the act there is the possibility that a non-Catholic teacher may be declared redundant due to the impact of full funding and placed, through employment, in the separate school system.

When you use the words "good role model for young people," do you mean young people in the widest possible sense or young people within the separate school system? What if that teacher was pro choice on the abortion issue and, after hours and on weekends, took part in public rallies and may have had his picture or an interview in the local newspaper? When you use the phrase "good role model for young people," does that teacher fall within that?

**Mr. Doyle:** Understand that this is just the opinion of our small council; I am not speaking for everybody. I would not want to hire a teacher who was pro choice.

**Mr. Offer:** I am sorry. I did not hear you?

**Mr. Doyle:** I would not want to hire a teacher, and I am speaking personally only, who was pro abortion.

**Mr. Ryan:** But that does not deny our responsibility for employment of that person. That is not an ideal situation because it is contradictory to Catholic philosophy, but our kids are going to be exposed to those beliefs anyway. What I am talking about is a positive role model. If that person speaks to Catholic children and says, "I know your church's teaching, but after very careful thought and consideration, my personal moral philosophy says that in certain situations abortion is acceptable," as long as the teacher does not promote that as an anti-Catholic type of viewpoint, we can live with that.

**Mr. Offer:** I understand preserving the catholicity of the system and not promoting anything that goes directly against Catholic beliefs. I am talking of a teacher in the off-duty hours having that as a—

**Mr. Doyle:** What the teacher would do in his off hours really would not be any of our business. As long as he does not promote it in school, we

really would have no way of knowing anything about his personal life or what he does, whether he be an alcoholic or whatever else, as long as he does not bring it into the school.

**Mr. Offer:** What I am saying is that although the teacher is not actively promoting his or her views one way or the other in the school, through no fault of the teacher the promotion of pro choice views during the weekend becomes known throughout the school as these things have a tendency to do sometimes. It is not through any design, it just happens sometimes. I am wondering if this would affect that teacher's capacity within the separate school system, in your opinion, even though it was not done by design on the part of the teacher.

**Mr. Doyle:** I would not consider hiring a teacher who had his name in the headlines as a pro-abortionist. However, that is my opinion alone.

**Mr. Ryan:** I think we should distinguish between hiring a teacher as opposed to accepting a transferee because of displaced students. We recognize that we must accept those teachers. If those are their beliefs, obviously there is going to be some conflict. It could be about a lot of minor things. I hope Catholic teachers in that system will provide a positive alternative to that teacher's point of view. I recognize that children will become aware of these opposing viewpoints. You are quite correct.

**The Vice-Chairman:** Thank you very much for appearing before the committee this afternoon. As you see, we usually ask questions about all the difficulties or worst-case scenarios. I am sure we all have confidence this is going to work reasonably well.

**Mr. Ryan:** We have thought of all those questions ourselves.

**The Vice-Chairman:** I am sure you have. Thank you very much.

#### EAST YORK BOARD OF EDUCATION

**The Vice-Chairman:** The last presentation this afternoon is from the East York Board of Education. I gather we are going to have a TV show.

**Mr. Phillips:** A little bit of everything. We will introduce it a little later.

I would like to introduce Dick Dodds, director of education for the East York Board of Education, who will be making the presentation with me. I am Bill Phillips, chairman of the East York Board of Education. Also present in the audience from East York are members of our

staff, our home and school association and trustees.

We are pleased to be presenting to the members of the standing committee on social development the views of our board on the question of the proposed extension of funding to establish Roman Catholic secondary schools. We represent the views of thousands of citizens of East York, where, we are proud to state, a multitude of ethnic groups resides and where more than 36 religions are practised.

It is important to note as well that we represent a great number of parents and students of the Roman Catholic faith who have consciously chosen, and will continue to choose, the excellent programs and services offered by our board.

We are proud to be appearing today representing a school system that is open to everyone wishing to attend, is tolerant and committed to all, is staffed with exceptionally fine human beings, and displays deep and abiding love and respect for everyone regardless of religion, creed, national or ethnic origin, mental or physical disability or sex. No resident of East York is turned away. Each is too precious to reject.

4:40 p.m.

Our presentation will give you a brief overview of East York and the East York school system; outline our opposition to a number of related issues; describe those that we support; comment on the question of the Constitution, the cost and some aspects of Bill 30; describe the unique mission of public education, and make a closing statement.

**The Vice-Chairman:** Before you continue, how do you intend to proceed? I notice the brief is a very lengthy one. Do you intend to read all 37 pages?

**Mr. Phillips:** We will move along as rapidly as possible, but I think the points we make are important for the committee. We will try to keep within our 30-minute time limit.

**The Vice-Chairman:** I think it will be impossible to keep to a 30-minute time limit for a 37-page brief plus a video. If you want to have an opportunity to have an exchange with the committee, which I find useful, I would ask you to summarize your brief, as all other groups have done.

**Mr. Phillips:** I will ask Mr. Dodds to comment on that.

**Mr. Dodds:** In speaking with people in Ms. Mellor's office when we made our request for today's presentation, we requested an hour

presentation. At that time, it was said that presentations would be a half hour. We reminded them that the Toronto Board of Education received an hour presentation. It was then suggested that we could go beyond the half-hour limit, since we were at the end of the day. Our presentation today will be within the same time limit given to the Toronto Board of Education.

**The Vice-Chairman:** I do not know how the committee wants to proceed. I do not have an hour to stay this evening. I did not understand this was to be scheduled for an hour. All other boards of education, with very few exceptions, have been restricted to a shorter period. It is up to the committee to decide how it wants to proceed.

**Mr. Dodds:** When we asked for an hour, we considered ourselves one of the very few exceptions you just referred to.

**Mr. Davis:** This is one of the concerns the committee is going to have to deal with. I am not here to protect the East York school system, the board or its directive, but it seems to me that in the past, a number of individuals scheduled for half an hour have taken more than half an hour. It is very difficult when they want to make presentations and we want to ask questions, as we found this morning. I do not have an answer, but as a committee we have to wrestle with this problem at some point, especially when school boards are coming before us with areas of expertise that members of this committee wish to expand on.

**The Vice-Chairman:** You do not have to convince me. From the shaking of heads, I gather we will proceed. But I thought it was appropriate, looking at the length of the brief, to raise it with the committee before we got too far into it.

I will have to leave early and I apologize for that. I did not know we were going to be this long.

**Mr. Dodds:** I assure you, you will not receive a letter chastising you for this.

**Mr. Reville:** We have the student conduct code of your board and there is a sanction for leaving school early.

**The Vice-Chairman:** There was a sanction at Riverside High School too. I experienced it. Proceed.

**Mr. Dodds:** If I may continue, in relation to East York within Metropolitan Toronto, it seems unnecessary to explain to the standing committee the arrangement for the provision of public education in Metropolitan Toronto. The arrangement, we believe, was adequately explained by the Metropolitan Toronto School Board and is

clearly directed by the Municipality of Metropolitan Toronto Act.

East York is the smallest Metro jurisdiction, with a population of approximately 100,000 citizens. We have a school system that serves 12,175 students, with a nonteaching staff of 385 and a teaching staff of 703. As well, we serve an adult and continuing education enrolment of 6,250 people. Currently, we have three secondary schools, four junior high schools, 17 elementary schools and an outdoor education centre. As well, there are four separate elementary schools within our boundaries and no Roman Catholic private secondary school that offers grades 9 to 13, or any grades for that matter.

We have the privilege of serving a large, diverse ethnic population, representing almost 50 nationalities. This diversity has taught our students and adults a level of tolerance and understanding that sets a model for all parts of this province. I am relatively new to East York and I can assure you that is correct.

East York is considered to be a sound, traditional school system that emphasizes the basics in learning and living. As a school system, we live in harmony with the community, and since we are small, we have learned to love and care for one another on a personal level. Although traditional in nature, we have a flair for selective innovation and are aggressive, especially in asking for an hour of this committee's time.

Our approach to teaching young children has been applauded by Ministry of Education review teams. The board has placed a high priority on the teaching of microcomputers and, as a result, we have more microcomputers per student than any other board in Canada. Our students consistently win provincial, national and international awards. Our resources and facilities are second to none.

Recognizing the high cost of technology, we are entering into arrangements with large industry, small businesses, labour and the board of trade to take advantage of expertise and resources beyond our school system. Finally, we have a waiting list of students living outside East York who wish to enter some of our schools.

We have been negligent, however, in at least one area. We have been passive and smug and thus relatively silent about the excellence of our programs, services and facilities. As a result, separate and private school systems have methodically projected the perception that their discipline, standards, morals and values are superior. Fortunately, we have statements from

educators in both separate and private schools and from students and parents who have experienced those systems which indicate that, while these may be the perceptions, they are not the reality.

Two years ago, East York was the first public board in Canada to launch a formal program designed to market public education. We have learned from the separate and private schools. The purpose of our marketing program was, first, to tell people the good things being achieved in East York and, second, to tell young people the truth about public education. Marketing education is new, complex and exciting.

It can only be successful if we have a high-quality product to offer, and we do; if we listen to the people we serve and act on what we hear, and we do; and if we communicate effectively, and we do.

We hasten to say bumper stickers, pins, bookmarks, signs, benches and bus stops, and publications constitute a very small percentage of our marketing program. But you have today in front of you an example of some of the outbound communication our board uses in trying to get the truth across to our public. By offering an outstanding product, listening to the public we serve and providing quality communications, we have demonstrated to our consumers, the public, that East York public schools are great places to be.

Naturally, we have had to provide an excellent product because the best marketers in the world cannot sell a bad product. Public school education is a great product and we intend to fight to maintain and improve that greatness.

We support without reservation the statements and recommendations contained in the presentation made by the Metropolitan Toronto School Board. Although we have no intention of repeating the details of that presentation, we must express our unwavering opposition to a number of the specific directions being proposed by the government.

First, we oppose the arbitrary manner by which the proposed extension of grants was decided. Governing by decree with selective consultation, which did not include even the former Premier's trusted cabinet ministers or leaders of the opposition parties, has no place in a truly democratic process.

We oppose the manipulation of the democratic process which has resulted in thousands of people being disenfranchised and those opposed to funding being labelled as bigots. Society does not exist to further the welfare of politicians or to

pay their debts. Politicians exist to further the welfare of the majority of society without being captive to any one group or individual.

We oppose the expenditure of at least \$400 million and possibly up to \$1 billion of public money to expand the distinctive mission of only one of many religions in this province. At the same time, we oppose such a large expenditure being imposed on the taxpayers when the expenditure does not have as one of its aims an improvement of the quality of education.

We oppose the expansion of a school system's distinctive mission, which has never been evaluated by a government which extends to it millions of dollars of public money each year to further its religious mission.

**4:50 p.m.**

We oppose the establishment of a secondary school system which will be allowed to operate under separate, discriminatory regulations. Although competition should not be necessary to achieve excellence, it could be healthy when those competing are operating under the same rules. Unfortunately, this has never been the case between separate and public systems in the past. Bill 30 indicates the rules will be different in the future. This is not fair, just or equitable.

We oppose the creation of another secondary system with public funds, if that secondary system is allowed to discriminate in any manner and if that system is not open and available, without conditions, to all Catholic and non-Catholic students and staff for all time.

We oppose Bill 30 because it assumes the legality of the extension of funding and it would be absolutely impossible to implement it without furthering the cause of discrimination. In addition, the bill provides weak assurances, vague guidelines and a lack of protection for the rights of all and places power in the hands of a commission responsible to no one.

We oppose the interim funding being extended to Roman Catholic school systems in September 1985—or perhaps as of today or tomorrow—to support secondary education when there exists no legislation to create such a system and the constitutional question is being considered by the Court of Appeal. We believe such interim funding, under any condition or arrangement, is illegal.

We were absolutely astounded at the statement in this room by the Minister of Education (Mr. Conway) when he said the government was extending funding before the court rules on its legality because the courts will find it legal. Why have courts at all? Why refer the question to the

courts? The answer could be that this government has taken on a level of arrogance surpassing even that of the former Premier. Or is it deliberately and desperately attempting to influence the outcome of the Court of Appeal? In all likelihood, both answers are correct. We are disappointed that the two opposition parties would be partners in this mockery of the judicial system and the democratic process.

We oppose the establishment of a state religion. We find it incredible that legislators in the 1980s, knowing there are more than 50 religions practised in Ontario—unlike 1867 when there were only Protestants and Roman Catholics—would be so obsessed that they would disregard the constitutional question and, regardless of the outcome of the Court of Appeal, attempt to extend funding to develop a second secondary system in support of one religion. No matter how it is rationalized, the perception and the reality is that the cause of one religion is being furthered with public funds and thus that religion can and is being regarded as Ontario's state religion.

Finally, we oppose the manner in which the separate school supporters have orchestrated their presentations and attempted to dominate the thinking and emotions of the members of this standing committee. At the same time, we may be naive, but we are counting on the intelligence of the committee members to realize that public systems could centrally orchestrate the preparation of briefs for those students and their parents who have consciously chosen the public system because of the diversity and excellence of our programs.

We could bring forth students who have returned to the public school system after experiencing education in separate and private schools, who have had no religious teaching in their last three to four years of education in separate elementary schools, who have been rejected by the other system because their needs could not be met or their level of behaviour was too challenging. We could bring forth Catholic and non-Catholic graduates of public school systems to espouse the virtues of the distinctive mission of public education.

We have chosen not to do so, but in retrospect perhaps we should have, because our separate school colleagues seem to be getting results. We acknowledge that public school systems are not well-organized lobby groups because we mistakenly counted on the consistency of the government to shield us from discriminatory practices.

Our opposition to the extension of funding and the proposed creation of the Roman Catholic secondary system is based on a rejection of the principles of extension and not on the threat to the viability of the East York public school system. Within Metro we can and we do successfully compete with private and separate school systems when meeting the needs of our learners, listening to those we serve and providing quality programs, services and facilities. We do not expect to lose many students if funding becomes a reality and we expect to continue to attract many students of the Roman Catholic faith. Parents and students seldom turn their backs on guaranteed quality.

Mr. Phillips will comment on what we support and on the constitutional and financial questions.

**Mr. Phillips:** We support the maintenance of one common, publicly funded secondary school system in Ontario, which furthers the harmony that exists between Catholic and non-Catholic students and parents and is designed to protect the rights of all, which is void of discriminatory practices and would maintain and improve the current level of learning for all students and adults.

Here are our views on the constitutional question. The Board of Education for the Borough of East York recognizes and respects the guarantees within the British North America Act of 1867 and the Constitution Act of 1982 for Protestant and Roman Catholic separate elementary school education. We must express our disagreement with the stated intention of the government to extend funding to Roman Catholic separate school boards for secondary school education.

In this regard, there are three questions which must be asked. First, is the public funding of Protestant or Roman Catholic separate secondary school education right? This is a fundamental question. The Constitution Act of 1982 agreed to by the government of Canada and most of the governments of the provinces, including Ontario, states in section 15 that every individual has the right to equal benefit of the law without discrimination based on religion. Clearly, any funding of a Protestant or of a Roman Catholic separate secondary school does not provide equal benefit to those who are not Protestant or Roman Catholic. Thus, by the standards set by the Constitution of this country, such special treatment is not right.

Second, is the funding of Protestant or Roman Catholic separate secondary education required by the laws of Canada? I might point out that the

reason I mention Protestant is that there is Protestant separate education in this province. This is a question that can only be answered by the highest courts in the land and not by the government of Ontario or the Minister of Education. However, in the landmark Tiny township case in 1926 to 1928, which went all the way to the Privy Council in England, it was decided that Roman Catholics could not legally claim any financial support for secondary schools. It is not required by law.

Third, is the funding of Protestant and Roman Catholic separate secondary education possible under the laws of Canada? Again, the answer to this question can only be determined by the courts. However, even if it is possible to fund separate secondary schools for two religious groups, it clearly would not be right to do so, as such activity is discriminatory and flies in the face of the fundamental values expressed in our Constitution. If, however, the government chose to fund secondary schools for all religious groups, such an action would totally fragment the public secondary school system of this province to the detriment of all our young people and of the government.

Our first recommendation is that the government respect the judicial system in this province and delay the creation of Roman Catholic secondary schools and the extension of funds until the courts have rendered their judgement on the legality of such a move.

We are very concerned about the unending cost to the public of the proposals within Bill 30. There is no doubt the cost of extending funding to separate secondary schools will be very high. Already, the initial estimate of \$40 million for the first year of implementation has been found grossly inaccurate. In fact, we believe this initiative will eventually cost the taxpayers of this province more than \$1 billion. While it is difficult to estimate all of the additional costs flowing from the decision to create a full second system of secondary education, it is fairly easy to define possible costs.

We have outlined these estimated costs in the next few pages of our brief. Rather than go into them in detail, I will simply refer to the totals, the bottom lines. These cost estimates are based upon total implementation, that is, the retention of all separate school supporter pupils within the Roman Catholic separate school system. We know it will take a period of many years for that to happen.

**5 p.m.**

First, let us look at the annual operating costs. A conservative estimate—and I stress the word “conservative”—of additional funds required each year to operate the dual secondary system will be more than \$400 million, when and if all Roman Catholic separate school pupils are retained by the separate secondary school system. These are current dollars.

When we look at possible capital costs, we have reason for concern. We will not go into the detail presented in our brief on pages 18 and 19; however, we will go to the bottom line. These one-time capital costs total more than \$500 million, and it is obvious from the figures that these estimates are conservative.

Where the province is going to find more than \$1 billion to finance this initiative is anybody's guess. We trust it is not going to come out of the funds available to the public schools of this province.

Thus, our second recommendation is that before proceeding with any form of funding to create Roman Catholic secondary schools, the government more accurately project and make public the short-term and long-term costs of such a step.

Our third recommendation is that once the cost of this proposed initiative has been more accurately calculated, the creation of a Roman Catholic separate secondary school system be considered, along with all other priorities of the current government, and a decision be made on the basis of the needs of all the people of this province.

Our fourth recommendation is that the government make public the source of the extra funds required to finance the creation of a second secondary system in this province and the impact of this proposed expenditure on other initiatives.

Mr. Dodds will now cover some aspects of Bill 30.

**Mr. Dodds:** Bill 30, I believe, is the 12th draft, although rumour has it that it may not have been that many and rumour also has it there may have been more than that.

It should be clear to the legislators that the most experienced and knowledgeable minds in the Ministry of Education prepared at least 12 drafts of the proposed legislation and, at best, produced a very imperfect document. We do not believe such a bill can be produced which will allow the government to maintain the high quality of education enjoyed by our students, the high morale of our teaching and non-teaching staff and the harmony which exists among the citizens of Ontario.

We do not believe the bill, in any form, should be reported to the Legislature and, as a result, we are reluctant to acknowledge its existence. As well, we recognize the closed minds of most of the members of the three political parties, who project the clear message that, with few exceptions, they do not want to be confused by facts because their minds have been made up for them. None the less, we feel the obligation to make some comments, in addition to supporting the points and recommendations made by the Metropolitan Toronto School Board.

First, on the practical application of sections of Bill 30, there are a number of members of the Legislature who have been principals of schools and, if honest, would admit that some sections of Bill 30 would be nightmares to implement. Knowing that separate school principals care as deeply for their students and staff as do public school principals, how does the separate school principal eliminate the feeling among select non-Catholic students and staff that they are second-class citizens attending separate secondary schools?

The practical difficulties of exempting a few select non-Catholic students from religious instruction are significant. What do you do with the exempted students, particularly in small secondary schools? Do you leave them in the hall, place them at the back of the room, have them go to the library, give them extra instruction? If they are given extra instruction, Catholic parents will be annoyed because a few non-Catholic students appear to be receiving extra assistance in the basics.

All non-Catholics attending Roman Catholic secondary schools should have the right to be exempted from religious instruction. If Bill 30 is foisted upon us, we support unconditional access by all students to both systems. There must be some way found, however, to eliminate the second-class feelings some students will obviously encounter in the Roman Catholic school system.

Our fifth recommendation, then, is that the revised Bill 30 guarantee access to all Roman Catholic secondary schools for any Catholic and non-Catholic student who wishes to attend.

Our sixth recommendation is that provision be made for non-Catholic students attending Roman Catholic secondary schools, upon request, to be exempted from religious instruction and that specific learning experiences be provided those exempted students in their timetables when religious instruction is taught.

A similar situation exists for teachers. The separate school principal will experience a real challenge when attempting to maintain high morale and team work when one lifestyle is demanded of some staff of the Roman Catholic faith while others are permitted more freedom. In addition, there appears to be no real guarantee that non-Catholic teachers will be given honest and unqualified opportunities to seek positions of added responsibility in the separate system.

We have heard from a number of forthright separate school administrators, trustees, parents, and most recently separate school principals who readily admit they are reluctant to accept non-Catholic teachers and support staff and have absolutely no intention of accepting non-Catholics in the roles of consultants, principals, vice-principals, senior officials, head secretaries and head custodians. Discrimination? We believe so. But closed-minded politicians will find some means for rationalizing, and even supporting, this blatant form of discrimination.

There must be unconditional access to teaching and nonteaching positions in the Roman Catholic secondary schools with no time limit, as was dictated by the former Premier. Perhaps on September 20 Mr. Davis will explain his logic behind the time line of 10 years and why a form of unconditional access would be beneficial in September 1985, but unlikely in September 1996.

Our seventh recommendation is that no rights of discrimination in hiring and promoting be permitted in the proposed Roman Catholic secondary schools.

With respect to the impact on elementary public schools, the legislation appears to be silent when considering the ramifications for elementary public schools. We know for a fact that some declining enrolment will take place in the elementary schools in East York as a result of separate school funding. A survey of our students in June 1985 indicated we could lose approximately 30 students from junior kindergarten to grade 7 to the separate school system this year. Although we have a significant number of Roman Catholic students attending our elementary schools by choice, there are some who are there because they know they cannot afford the fees to attend Roman Catholic private secondary schools at the end of the elementary years.

Where is the protection for the elementary teachers displaced by the proposed funding to separate secondary schools? There appears to be none. Where is the protection for the community which values its neighbourhood public school

and will react vigorously if its school is transferred to the separate school system because of declining enrolment due to separate school funding? There appears to be none.

Our eighth recommendation is that any clause included in the revised Bill 30 which protects secondary teachers displaced by the proposed extension of funds be applied to elementary teachers and nonteaching staff as well.

Our ninth recommendation is that when neighbourhood schools are closed or transferred to the separate school board, and when programs and services are eliminated from public secondary schools because of the creation of Roman Catholic secondary schools, the Ministry of Education take the responsibility for publicly announcing such action and the reasons for such action.

With respect to the powers of the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, you have heard about this before I know. We are absolutely shocked at the power and authority rendered to the planning and implementation commission in Bill 30. The commission appears to be a fully independent body with far-reaching powers to make decisions on what will promote the best interests of public education in Ontario. We are disturbed with these seemingly unlimited powers that are removed from the elected body.

With respect—and we made this point earlier to the public school directors—the performance of the current planning and implementation commission has done little to allay our concerns. We firmly believe it should have been named the planning, implementation and advocacy commission to more accurately reflect its activities in this past year.

The only conclusion we can reach for the establishment of such an independent body is to protect the Minister of Education (Mr. Conway) and other legislators from the major conflicts that are now beginning to rear their ugly heads.

Our board, on the advice of legal counsel, has never recognized the present planning and implementation commission and, in retrospect, we are pleased with that advice. For example, if we had recognized the commission and had signed as having seen the plans of the Metropolitan Separate School Board, we too would have been unfairly named by the chairman of the commission and the most recent three Ministers of Education as a board that had reached a co-operative agreement with the local separate

school board. These claims were dishonest and manipulative.

We are adamant when we say issues of this magnitude and importance should be determined not by an independent body but rather by those who are politically responsible to the electorate.

**5:10 p.m.**

Our 10th recommendation is that the role, responsibilities and powers of the planning and implementation commission, as outlined in Bill 30, be revised by setting forth clear guidelines and criteria for decision-making. The revisions must eliminate the commission's absolute powers, outline its responsibilities to the elected body and include an appeal process to the elected body. Every precaution must be taken to eliminate religious bias and members' conflicts of interest.

Mr. Phillips will continue on our reaction to Bill 30.

**Mr. Phillips:** I will deal with teacher protection in relation to Bill 100.

It appears that the Ontario Secondary School Teachers' Federation had significant success in influencing the sections of Bill 30 relating to the protection of teachers. We must applaud OSSTF, which, in spite of these gains, continued its opposition to the extension of funding. It should be obvious to everyone that the basis of OSSTF's rejection of the principles of extended funding has not been based solely on job protection, but on the future of public education. The legislators' attempt to silence teachers has failed.

At the same time, the protection clauses have caused a new set of difficulties. The legislation orders public boards to retain teachers displaced by the extended funding who cannot be placed in the proposed Roman Catholic secondary schools. Can we assume Bill 30 supersedes Bill 100? Bill 100 guarantees negotiations on all issues, and number of teachers has been a negotiation item in Metro and in many other boards throughout Ontario for years. We are now being told to employ additional teachers above the numbers negotiated.

We are pleased our employees are being protected, but who will pay the salary of that extra staff? There is some vague reference to special grants being made available by the ministry. Can we assume the government is prepared to cover the entire cost of the retained staff's salaries or, as in Metro's case, should we expect our latest grants to cover only eight per cent of the salaries, the beleaguered taxpayer to assume the remaining 92 per cent?

As well, we must ask how long we are to maintain the extra teachers on the payroll. One extra teacher retained for 10 years would cost the taxpayers at least \$400,000. By the way, we have not included any of these costs in our cost estimates. The obsession of the government to legislate discrimination and to divide our province should not blind it to the potentially enormous cost of overstaffing school systems.

Our 11th recommendation is that the government, through the revised Bill 30, must clarify the level of financial support provided to a public board retaining displaced staff and also clarify the relationship between Bill 30 and Bill 100.

The bill is silent on adult and continuing education. What are the implications? Are we to assume there will be support for separate school systems to duplicate the third system—adult and continuing education? If this is to be permitted, under what sections of the Constitution will we find such justification? Will the East York board have to determine which of its 6,250 students in these programs are separate school supporters and charge them a different fee?

Our 12th recommendation is that, to avoid future conflicts, the government clarify the future responsibility for both adult and continuing education as they relate to the public and separate school systems.

With regard to separate school trustees on public school boards, we wish to register our concern that trustees representing separate school supporters will run for election to public boards on November 12, 1985, and a mere six weeks or 13 months later will lose their seats. We believe this to be unfair to the trustees representing separate school supporters.

Surely it would be better to have these trustees, experienced as they are in secondary education, join the coterminous separate school board as full members when the assessment they represent is transferred. I believe this was commented on by one of the separate school trustee leaders as something that could be looked at. Thus, in the following election they could run for office on the separate board.

Our 13th recommendation is that the Minister of Education announce immediately any decision related to the role and future of separate school trustees on public boards of education.

We understand the Minister of Education has indicated these trustees would serve for 13 months. However, we would have expected such a decision to outline the contribution of these trustees to the separate school boards after they leave the board of education when the assessment

transfers. After all, these trustees have experience in secondary school education, which trustees on separate school boards lack.

Mr. Dodds will now explain the distinctive mission of public school education.

**Mr. Dodds:** Much has been said by those supporting separate schools, including the Minister of Education, about the need to maintain the distinctive mission of the Roman Catholic school system. They seem to suggest their system is committed to a more wholesome and fulfilling approach to life. The desired perception seems to be that, because of the religious atmosphere and religious instruction, the separate school systems develops better citizens for our society or, more realistic, that the Roman Catholic Church will be better maintained.

Since this claim is being made, and before donating at least \$400 million to duplicate and operate the secondary system for some Catholic and non-Catholic students, sound management would be displayed if it were to evaluate the effectiveness of the distinctive mission of the two systems by commissioning a study to review the relative success in universities, community colleges and the work force of those who have attended the separate and public schools.

Our 14th recommendation says the Minister of Education should, before investing a grand total of approximately \$1 billion to further the distinctive mission of separate schools, adopt responsible management techniques by identifying clearly and evaluating the distinctive mission of both systems. It will come as no surprise to some and as a disappointment to others that the public school systems of this province have a distinctive mission as well.

By comparison, our distinctive mission seems to be more humanistic, more flexible, more current and more in keeping with the values and needs of all citizens in the 1980s. It includes a commitment to excellence, high standards, effective discipline and sound morals and values. In East York it also means opening our doors to all those who wish to enter. This policy allows us to boast and experience a cultural, ethnic and religious mix which has resulted in establishing a sound foundation of tolerance and understanding among our students, staff and ratepayers.

If permitted by regulation, our distinctive mission could include the opportunity for our Catholic students to be offered religious instruction as well.

Our distinctive mission has produced some outstanding results. For example, in East York this past year Catholic and non-Catholic students

attending our public schools entered competitions in areas such as physics, mathematics, music and microcomputers and achieved higher results than selected students now attending separate schools and well-known private schools.

By the way, I was attending a session in the early days when Mr. Allen asked a parent if she had looked at the curriculum of the separate school board. Her response was, "No, why should I?" Mr. Allen went on to espouse the excellence of that curriculum and suggested she might look at it.

Today I have brought for Mr. Allen some of the curriculum from the East York Board of Education. If he has a moment, I suggest he take a look at it. I am sure he will be equally impressed with the curriculum from the East York board, which reflects the curriculum of all public schools. You will see evidence of our distinctive mission there.

We are blessed with a student body made up of fine Catholics and non-Catholics who live and learn in daily harmony. We do not believe—I would like to stress this—that those Catholic students who attend the public secondary schools are less devout or will become poorer citizens than their counterparts in the Roman Catholic private secondary schools.

We are deeply concerned that the political needs of our legislators will threaten the harmony which has existed for years in both our elementary and secondary schools and in this province. We have a happy and productive school system with a distinctive mission, but it could become a system at risk because of the preoccupation of the legislators at Queen's Park with separating people along religious lines, thus establishing a distinctive we-they atmosphere.

We have today a video concerning education in East York. As you view it, please look at the faces of the students, staff and parents. They are faces of Catholic and non-Catholic people in the East York school system who attend our school system and want to remain in our school system.

The committee viewed an audio-visual presentation at 5:21 p.m.

**5:31 p.m.**

**Mr. Phillips:** I think you can see why, as chairman of the East York Board of Education, I am proud of our school system and why I am so concerned when the provincial government is placing my school system at risk.

I will conclude with a few remarks. We can assure those elected to serve us that we have no intention of remaining silent or politically

passive while the distinctive mission of public education is threatened because of the ego of one man and the debt he is accused of having to pay, because of the closed minds of many who have dutifully defended his decree and by the muzzle of others who believe they must follow party policy in spite of personal convictions which include the rejection of the creation of Roman Catholic secondary schools.

When politicians turn their back on the concerns of thousands of disenfranchised citizens and attempt to duplicate a secondary system for a percentage of one religious group, they do it at their own peril. When conflicts arise, when communities are divided, when programs and services are eliminated, when education taxes increase significantly, when neighbourhood schools are closed or transferred to other school systems, local trustees and staff will accept no responsibility for the divisiveness and conflicts.

We intend on every related issue to publicly place the blame where it belongs, squarely on the shoulders of the provincial government and the provincial politicians. No longer are we prepared to accept the wrath of the taxpayers or find local solutions to destructive, expensive decisions forced upon us by Queen's Park.

Politicians are tampering with the system of education in Ontario, which is recognized throughout the world as being strong and fair, and they are tampering with the foundations of society in this province in order that they may strengthen the distinctive mission of one religion. No one can honestly justify the means. No one can honestly justify the end.

We will be prepared to stay as long as any member of the committee wishes to answer your questions, even though we are busy people with our school system.

**Mr. O'Connor:** Thank you for what is obviously a very comprehensive, well-thought-out and obviously no-holds-barred brief; and for the quality of your slide presentation, that also was excellent.

There appears to be a contradiction in your approach. I would refer you to page 10 of your brief, wherein you summarize your opposition to the bill and its principles by indicating your objection is to the principles of the bill and not because it presents any threat to the viability of your school system in East York. You go on to state on page 11, "We do not expect to lose many students if funding becomes a reality."

Losing students and funding has been a concern of a number of other briefs we have received. Although I have been on the committee

only this day I have done some reading and I note there is a common thread through a number of them, that they feel they will be losing students and thus funding. You point out that is not the case in your system.

**Mr. Phillips:** It is not, at least not to the degree that it occurs in other school systems in this province because the percentage of Roman Catholics attending our secondary schools is not as great.

**Mr. O'Connor:** You continue, at page 16, to detail what you think might be the additional cost of the system as a result of this bill. You might comment on where you get those figures. On page 19, you point out that possibly 15 per cent of the students in three of your high schools will disappear. Fifteen per cent is not a negligible number.

I might ask you whether you are concerned about the disappearance of students, whether is it likely to be as high as 15 per cent, and from where you get that figure. Now that we are halfway through September, what is your experience as far as this year goes? As far as you are aware, how many students have you lost to the separate system, how many staff positions have become redundant, and what do you expect to lose in that regard?

**Mr. Phillips:** First, commenting on the loss of 15 per cent of the students, our secondary schools—we have three of them, by the way—are fairly large and thus the loss of that percentage of students will not make the schools unviable. Also, we have what is called a junior high school system in East York, which has grade 9 combined with grades 7 and 8. We are moving to what we call a middle school system and we will be able to combine the grade 9s and our secondary schools.

We do not see our schools endangered by the reduced number of students. There will not be any space, of course, for other school boards. None of our three secondary schools is going to become available, because of the size of them and the relatively small percentage of students who would leave.

The major danger we see is the enormous cost entailed in creating a full and complete duplicate system for secondary education in this province. Also, because of those costs, we fear the public secondary schools, and even the elementary schools, are going to be starved of funding. Without funding, we are not going to be able to provide that standard of educational excellence which currently is enjoyed.

We spend more than \$1,000 per student over provincial ceilings in order to provide the level of education that is demanded by the population of our borough. They require that standard of education and they are wise to do so. We are fearful of being robbed of funding and not being able to provide that standard of education.

How many students have we lost this September? I will ask Mr. Dodds to comment. Frankly, I have no idea. I do not know how many did not come. How do you find out which ones did not come? You cannot count the ones who did not come.

**Mr. O'Connor:** The other boards have been able to tell us, almost to the student, how many they felt they lost to the separate system.

**Mr. Phillips:** We can tell you how much enrolments dropped by; we could guess at how many did not come because they went to the separate secondary school. We cannot tell you how many went to the separate secondary school because of new funding.

5:40 p.m.

**Mr. O'Connor:** In the case of many other boards which have a good relationship with the secondary system, they have communicated with them and learned how many they have gained, compared to what they have lost and have been able to come up with a pretty accurate figure as to the number of transfers.

**The Acting Chairman (Mr. Reville):** Maybe Mr. Dodds could tell us. Can you shed any light on that?

**Mr. Dodds:** Yes. I know for a fact the elementary loss is approaching the 30 we predicted. We will not know about secondary until September 30, and I do not know of any board in Metropolitan Toronto that can really tell you this early how many went to the separate school system. You would have to have an awfully good relationship with the separate school board to determine that.

I had lunch with the director of the separate school board the day before yesterday and, as he says, all of the students they expected have not reached their secondary schools, and all of the students we expected have not reached our secondary schools—the weather has not been bad enough or whatever it may be. September 30 gives us the usual accurate number. We think it will be minimal.

I might add, too, by the end of September we will likely exceed our projections for secondary education, but the number of students who have

gone to separate school boards will be very minimal.

**Mr. O'Connor:** It is not anywhere near the 15 per cent you use in here.

**Mr. Dodds:** No, but I think the 15 per cent—

**Mr. O'Connor:** Where do you get that figure?

**Mr. Dodds:** The 15 per cent is an approximate percentage of the number of Roman Catholic youngsters in our secondary schools, and if the Roman Catholic separate school boards in Metropolitan Toronto were able overnight to provide the accommodation, perhaps those 15 per cent would go. I would doubt it, but we had to arrive at a figure.

**Mr. O'Connor:** Your projected cost figures are based upon that 15 per cent.

**Mr. Dodds:** That is right.

**Mr. O'Connor:** You argue initially in your brief that you expect not only not to lose students, but also to gain Roman Catholic students because of the quality of your education in East York.

**Mr. Dodds:** That is right. What do you do then, say one per cent, two per cent? We have communicated with all public school systems in this province and we know the loss will be extremely high. You heard from York this morning. The loss there is going to be devastating if the students go. We had to take a base and 15 per cent is not far off from what we had—

**Mr. O'Connor:** I suggest you are being unfair with us when you throw out a figure of 15 per cent and project millions and hundreds of millions of dollars, and then admit you are not going to lose 15 per cent; in fact, you hope to gain Catholic students. The basis upon which you come up with these huge numbers is fallacious.

**Mr. Dodds:** I am glad you made the last comment. Our numbers are not—

**The Acting Chairman:** I am sorry he made that last comment.

**Mr. Dodds:** Yes, I am sorry he did too, because our projected costs are no more unrealistic than former Premier Davis's were when he announced the \$40-million cost, and your own officials have projected \$400 million. On anything to do with finances there is some degree of speculation, but I can tell you that on June 12, 1984, when then Premier Davis announced the \$40-million cost per year for the first three years, the chairman of our board sat down and within 48 hours had come up with figures which refuted Mr. Davis's figures. Mr. Phillips came up with figures very close to what the ministry now projects will be the operating costs. I have a great

deal of confidence in Mr. Phillips's figures, as opposed to figures Mr. Davis and others at Queen's Park have projected.

**Mr. Phillips:** I might also point out the cost figures with which we are dealing are based on provincial numbers and not East York numbers. East York is a very small percentage of the whole province. They are also based upon certain assumptions stated clearly in the figures.

The basic assumption is that separate schools will, as former Premier Davis promised, retain all their students. In other words, students would not have to transfer to a public, nondenominational secondary school, but would be retained within their own system, presumably without even getting the choice of going anywhere else.

Those costs are not based on that assumption. They are not based upon children of Roman Catholic non-separate-school supporters leaving secondary schools. They are not based on transfers of Roman Catholic separate school students from secondary schools to Roman Catholic separate secondary schools. They are not based on any non-Roman-Catholic student transferring from a secondary school to a Roman Catholic secondary school.

The assumptions upon which those costs are based are clearly outlined; the assumptions were taken from the statement of former Premier Davis on June 12, 1984, which seem not to have been changed by anybody.

**The Acting Chairman:** Mr. Phillips, it is fair to say that in the presentations a variety of assumptions have been made, from 100 per cent transfer to portions thereof. It is probably anybody's guess exactly what will happen.

Are there further questions?

**Mr. Allen:** Having been lumped among all those who have closed minds, I am not sure what I should say about this brief. If that is their assumption, I am not sure why they are here.

I find it difficult to accept the observation in this brief that public school systems are not well-organized lobby groups. The whole pattern of presentation we have had this afternoon has obviously been very well organized. We have had presentations that obviously were the result of background discussions in the Association of Large School Boards in Ontario, the Ontario Public School Trustees' Association and all the other umbrella groups.

Of course there is organization on both sides, and there should be; I am not sure that is a problem. Why should we want to strike out at one side or the other, saying one side is organized and

the other is not, when both clearly are and both are trying to make their best fist of it?

On page 14, for example, if we are having respect for the courts, I wonder why we do not have some respect for their decisions. In this brief, in point 2 on page 14, the presentation refers to the Tiny township case. In the conclusion of point 2, it says that "it was decided that Roman Catholics could not legally claim any financial support for secondary schools." That is quite true.

It goes on in point 3 to ask the question, "Is the funding of Protestant and Roman Catholic separate secondary education possible under the laws of Canada, presumably under the laws of Ontario?" Then it says, "Again, the answer to this question can only be determined by the courts."

Surely, with the decision in the Tiny township case, is not the ruling won at this point in history with respect to that very question? You say it can only be determined by the courts. In point of fact, a major court decision in 1928 did state that it was within the bounds of possibility, within the regulatory power of the provincial government, to expand or to contract secondary levels of education offered by the separate system.

Why did you not honestly state in point 3 on page 14 that this was the conclusion of the Tiny township case with regard to that point? I know you go on to qualify that in some respects in the rest of the paragraph, but surely it would have been dealing fairly with us and with that decision of the courts to make that point in your brief.

**Mr. Phillips:** If I might, I read the fact put forward by John J. Robinette in reference to this very point. He does not agree with Mr. Allen in the interpretation that Mr. Allen has given.

**Mr. Allen:** Mr. Robinette then stands counter to a great many texts on the subject.

**Mr. Phillips:** Mr. Robinette and lawyers tend to disagree. But the courts will decide, and until they do, I think people are entitled to their opinions and interpretations.

**Mr. Allen:** Would you give us some documentation, please, on when legislators attempted to silence teachers? At the bottom of page 27, there is a very flat charge that legislators have attempted to silence teachers on this issue.

**5:50 p.m.**

**Mr. Dodds:** The current Bill 30, in the minds of a good number of people, including teachers, is a distinct attempt to satisfy the teachers in terms of protection against layoffs as a result of the extension of funding. That opinion is shared

by a good number of people in this province, including teachers as well as the administrators of this province.

Second, why would a piece of legislation come forward that will order boards of education to maintain teachers on staff beyond those who are required by the board if it were not blatant protection and an attempt to satisfy the teachers' demands?

In that regard, we get a vague message that there will be some special grants available to look after the overstaffing of our schools. I am glad, as we have said in this report, that our teachers are going to be protected. However, I will be much happier if the new legislation suggests what we hear will be happening for the separate school boards for the rest of 1985 and all of 1986, which is that they will be maintained by a 100 per cent grant from the government. If we can be assured that there will be a 100 per cent grant for the remaining teachers we do not require in public boards, we will be happier with that as well.

That is an opinion; but it is an opinion shared by a good number of people, and I suggest Mr. Allen cannot refute that opinion with anything substantial.

**Mr. Allen:** You made the charge, sir. I did not make the charge.

**Mr. Dodds:** You asked the question and I am answering it.

**Mr. Allen:** I asked you the question, but I do not know whether there is any evidence anywhere that suggests legislators in Ontario have attempted to silence teachers.

**Mr. Dodds:** Nor is there anything anywhere that says they have not attempted to.

**The Acting Chairman:** Further questions, Mr. Allen?

**Mr. Allen:** No.

**Mr. Davis:** I think I will ask a practical question. I will direct it to Mr. Dodds.

You are aware the bill has a designative process for the transfer of teachers to the coterminous secondary panel, and there are suggestions we should look at a voluntary transfer process where the volunteers become designated teachers. As the director of a public educational system, do you have any concerns with that volunteer process?

**Mr. Dodds:** The volunteer process of the teachers who have been designated surplus?

**Mr. Davis:** No. The coterminous board—I had better expand on it; I did not want to do that. I wanted to get an answer without expanding.

Let us say you indicate that, because of the transfer of students, you have X teachers who are redundant to your system. The coterminous board says, "We now have need for X teachers—so many math teachers, so many English teachers and so many science teachers." To fill those slots, the suggestion is that we should designate the list based on positions rather than teachers. They then ask for the right to apply in your system for people to volunteer to go across and teach. They will select a number of teachers out of those who volunteered and fill the positions, and those volunteers will become designated teachers. Does that create concerns for you?

**Mr. Dodds:** I have a couple of concerns. First of all, who does the selecting of the teachers? Second, will the selection of the teachers be based on the teacher's qualifications and his ability to teach, or will the religion of the teacher be considered as well?

**Mr. Davis:** I take it your concern with the selection is that the process being expounded to us means the coterminous secondary panel will interview all who apply and can take all the way up to the amount required for the designated list, or none, while those it does not take—on whatever grounds; they may not fit, there may not be a mix match—will come back to you.

**Mr. Dodds:** That bothers me from a taxpayer's point of view and from an administrator's point of view, because I would like to know by what criteria they either accept or reject teachers. If they reject them along religious lines, which some have openly admitted they will, then we can assume those non-Catholic teachers will end

up being on the payroll of the public school boards, again for reasons of religion.

**Mr. Davis:** If we try to avoid the way it is extended in Bill 30, which is simply a designated list and away they go, and go to a volunteer system, do you have any concept of how we may be able to plan that volunteer system so the teachers who are interested to go across to your panel may indeed do that? Would you base it on seniority, or would you prefer to do the interviews to ensure your educational programs are done first? Do you have an answer to that?

**Mr. Dodds:** I do not have an answer to that.

**Mr. Davis:** Okay. Thank you.

**Mr. Phillips:** The difficulties entailed in playing games with people on the basis of religion, volunteering and then selection, present so many problems that it boggles the mind.

For instance, the planning and implementation commission is supposed to come out with some guidelines that will clearly set out how you determine who is surplus because of the new funding plan. The planning and implementation commission has been in effect for a long time. I have not seen those guidelines.

One of the first things that should happen is that those guidelines should come forward to this committee, and both you and we should have an opportunity to look at them and comment on them. We are concerned that the fairness involved in this whole process is greatly in question.

**The Acting Chairman:** There being no further questions, I thank you for your submission.

The committee adjourned at 5:57 p.m.

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 Villeneuve, N. (Stormont, Dundas and Glengarry PC)

**From the East York Board of Education:**

Dodds, R. A., Director of Education and Secretary-Treasurer  
 Phillips, W. J., Chairman

**From the Knights of Columbus, St. Patricks, Markham, Council:**

Doyle, S., Grand Knight  
 Ryan, T., Deputy Grand Knight

**From the Niagara South Board of Education:**

Jackson, D. W., Superintendent of Schools—Planning/Operations  
 Marion, R. A., Chairman  
 Russell, D. B., Superintendent of Business Affairs  
 Townsend, Dr. M. L., Director of Education and Secretary-Treasurer

**From the Ontario Secondary School Teachers' Federation, District 14, City of York:**

Cowan, M., Vice-President  
 Kendal, D., Executive Officer  
 Netzel, M., Political Action Officer  
 Netzel, M., Political Action Officer  
 Wright, D. E., President

**From the Peterborough County Board of Education:**

Cotton, E., Chairman  
 Linton, R. J., Director of Education and Secretary  
 Strath, Dr. J., Trustee

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No. S-39

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Thursday, September 12, 1985  
Morning Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, September 12, 1985

The committee met at 10:05 in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** The first delegation is from the Canadian Catholic School Trustees' Association. Mr. Meehan is the president.

Welcome to the committee. If you would introduce your colleagues, we would appreciate it.

### CANADIAN CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

**Mr. Meehan:** On my extreme right is Frank Furey from Newfoundland. Next to him is Jake Volk from Saskatchewan. They will introduce themselves more fully later in the presentation. Seated next to Jake is Frank McGrath from Saskatchewan, and on my immediate right is Father Thomas Mohan from Alberta.

I am Gerry Meehan. I am the trustee of the Dufferin-Peel Roman Catholic Separate School Board representing ward 7 in Mississauga. I am the president of the Canadian Catholic School Trustees' Association, and I would like to tell you a few bits of information about the association.

I have had distributed to you our anniversary book, which I hope you will have the opportunity to read after the meeting.

**The Vice-Chairman:** For a second, I thought it was a high school yearbook.

**Mr. Meehan:** It is almost that good.

The Canadian Catholic School Trustees' Association, founded in Toronto in 1960, brings together provincial and territorial associations of Catholic school boards, local Catholic school boards and individual Catholics who hold the office of school trustee. At present, members come from seven provinces and two territories and represent students in Catholic elementary and secondary schools.

Basically, the association promotes the improvement of Catholic education throughout Canada, assists Catholic school trustees in the performance of their responsibilities, promotes national consensus and effort on educational

issues and furthers the goals and objectives determined by the membership.

I want to begin my introductory remarks by thanking you for the opportunity that you and your colleagues on the committee have given to the Canadian Catholic School Trustees' Association to appear before you to present our thoughts on Bill 30, An Act to amend the Education Act. I hope that what we have to say to you will be enlightening, informative and, most of all, helpful to the work of the committee.

We have a great deal of admiration and respect for the patient and considerate manner in which you, Mr. Chairman, and the members of your committee have been conducting the extremely numerous and lengthy hearings that are a necessary result of the terms of reference of this committee.

We believe that Bill 30 is essentially a good bill, that it will do much good and no harm to the education of all children in Ontario and that it will stand as an enlightened example to other less fortunate jurisdictions. The constructive criticisms that have been made by others appearing before the committee will aid the committee in making recommendations that will ensure the education of our children is not jeopardized in any way and the transition period will be as painless as is humanly possible.

It is always good to study what others have done and are doing. With me today are representatives from Newfoundland, Saskatchewan and Alberta. They will present to the committee an overview of education, both Catholic and non-denominational, in their respective provinces—how it began, how it developed and how it is today. Without any further ado, I would like to give you Father Mohan.

**Father Mohan:** I come to you today as a member of the delegation from the Canadian Catholic School Trustees' Association. I am the national chaplain for the trustees, and I am a professional educator specializing in Catholic education.

I am currently working in the superintendency of Calgary Roman Catholic Separate School District 1, which is a Catholic, publicly funded school district founded in 1885. We are celebrating 100 years of Catholic public education in Calgary this year.

As well, I have spent 25 years as a teacher and an administrator of Catholic schools in Ontario. During these years I have had the opportunity to witness the quality of education provided to the Catholic students of Ontario and the contribution made to Ontario and to Canada by the graduates of our schools.

From my experience, this province is the richer through the work and effort of Catholic schools. The quality of education and the number of our students who have attained the right to attend university and other forms of post-secondary education are exemplary.

I know that students learn best in an atmosphere of acceptance and trust, in a school that is an extension and reflection of the values of the home, in a school that is a community willing to nurture the developing needs of youth. Catholic schools are founded on these family principles. They have not only a proud record of academic success but also a history of graduates who remember their schools with pride and appreciation.

As well, these schools have been available not just to the wealthy but also to those of modest means and to the poor, who have obviously supported Catholic schools since the founding of this province. Catholic schools are not elitist.

In my talk I will stress the Catholic family values and those that pertain to the best education of the children of this province. Catholic schools are not better than their public school counterparts; they are different. Catholic schools carry a Catholic program of studies. Such a program relates every facet of the school to the knowledge of God as Creator.

Obviously, we do not claim a Catholic mathematics or a Catholic science, literature or art; but we do claim the presence of those same moral principles that scripture and tradition teach us and that direct our ordinary lives. These are a constitutive element of each classroom and they do relate to each subject we teach.

This presence, this moral relationship, does make the Catholic science, literature and art programs different. They are no longer indifferent; they do relate to the reality of the presence of the Creator to the universe. It places a moral obligation upon us that the world and other human beings are to be related to with respect.

The fact is that the compelling principle of our love of God and neighbour is not operative only in our theology. What is true in our theology classrooms is true as well in every facet of our academic program.

Unfortunately, it is true that oftentimes we all do not live up to the ideals of the Catholic academic tradition, a tradition that began with the efforts of the early church to explain and codify the created world in terms of science, mathematics, literature and art.

However, the presence of the Catholic educational tradition is necessary. The parental satisfaction with Catholic schools and their obvious success in producing students and responsible citizens illustrate the demand and the need. Our children are best taught in this tradition.

Modern Catholic educators see no ultimate conflict between the empirical methods of teaching science, mathematics, literature and art, and our theology. Good science is good theology. As one of the recent Popes reminded us, "Behind every door opened by science stands the glory of God."

As well, I ask you to understand that Catholic schools are not places of propaganda for the Catholic church. Our Catholic school tradition is an academic tradition. Catholic schools do not and will not take the place of the church. They reflect the values of the church and are consistent with the family values of Catholic homes, but they are distinct. They stand as an end product of an academic tradition that has been developing and reacting with the modern world since the foundation and organization of our western society.

My experience in the Catholic schools of Alberta has been a positive one. The fears I heard for so many years in Ontario, from the Catholic and the public schools, are just not there. Our school board offices, public and Catholic, are side by side. There is continual communication and co-operation between these two offices. Such things as a common policy concerning the use of property dedicated for community and recreational use in Calgary are in place. Both boards recognize and follow that policy.

The trustees of the public and Catholic boards meet together in a Metro council to co-operate and seek areas of co-operation continuously. Our teachers in the Catholic schools belong to the Alberta Teachers' Association. We have a common athletic program and a common administration for athletics between each of the boards. We have co-operative committees concerning special education and native studies. Boards continuously help each other.

It is well recognized in Calgary that the Catholic schools carry a Catholic academic program. The Alberta Department of Education both mandates and evaluates Catholic programs

in Catholic schools. The difference in program between the two boards is well recognized, accepted and fostered by each board.

Catholic schools are there primarily for Catholic families; but for a variety of reasons, not all Catholic families choose to send their children to Catholic schools. Some wish to send them to public schools. Where there is room, public schools in Calgary accept those Catholic families who wish a public school program. Our Catholic schools operate under the same policy in favour of those public school supporters who wish to take advantage of a Catholic program. This policy serves the needs of Calgary families well.

Finally, may I presume to offer a personal note as one who loves Ontario and who has spent many years in its schools? Judge the Catholic schools not as they have produced Catholics who adhere to a faith. That may or may not be the result of attendance at a Catholic school. Rather, judge the schools by the unique contribution they have made and will make to the education and lives of the youth of Ontario.

Catholic schools are communities of teachers, students and parents devoted to excellence in their pursuit of the truth of science, literature and art. They are willing to use their knowledge gained in their love of God and neighbour.

**Mr. McGrath:** My name is Frank McGrath, and I am a trustee on St. Paul's Roman Catholic Separate School District 20 in the city of Saskatoon. I have been a trustee for 20 years and during that time have filled the office of president of the Catholic section of the Saskatchewan School Trustees' Association as well as the vice-presidency of the Canadian Catholic School Trustees' Association.

I would like to thank Mr. Meehan, the president of the Canadian Catholic School Trustees' Association, for his invitation and for the opportunity of sharing observations with the standing committee. It appears your mandate is to guarantee that the Education Act of 1985 leads to the opportunity for full social and educational development for all the children in Ontario.

I believe the presence of this delegation is significant in that it indicates the committee and, consequently, the Legislative Assembly of Ontario want to ensure that not only can the separation and equal rights regarding public education remain, but also, within their extension to the end of high school, both the rights and the quality of education will be established and guaranteed for students in both public and separate systems in this province. Our experience in Saskatchewan of a dual system from

kindergarten to grade 12 is a model and a guarantee for Ontario that it can move with surety in the same direction.

**10:20 a.m.**

The committee itself has invited various representatives from other provinces to make representations on this matter, and I believe this is evidence enough that it wants to hear the story from other areas of Canada. It is on this basis that I make my presentation.

In Saskatchewan, the statutes governing the delivery of educational services are fairly simple when looked at in the light of their basis. Of course, they are taken from the British North America Act as well as from the Northwest Territories School Ordinance. All these items were incorporated into the Saskatchewan Act of 1905. Changes have been made over the years, but the basic statutes remain.

Ontario experienced a somewhat different beginning in that its statutes were incorporated into legislation before the British North America Act, but in its legislation prior to the British North America Act it showed some wisdom and sensitivity in the delivery of educational services to its clientele.

The situation in Ontario in 1985 differs somewhat from the Saskatchewan experience, where the extension was made in 1964-65. Provincially supported Catholic schools until 1965 were basically K-to-8 schools, and Catholic high schools prior to 1965 were privately operated. There may be some misunderstanding in some areas that they were privately operated separate high schools, and that is not the case; they were simply privately operated high schools.

In the late 1940s the presence of private Catholic high schools began to increase in the province, and in 1965 the provincial government enacted the right to establish publicly funded high schools. The following factors were evident in the province, and they may differ greatly from what exists in Ontario today: There was a severe shortage of teachers, so much so that Saskatchewan had a permanent staff in London, England, whose sole purpose was to hire teachers and entice them to come to Canada. High school enrolment was increasing dramatically, and it was during the 1960s that many new high schools were constructed throughout the province.

Given these factors, the concerns that Ontario has regarding finances, facilities and staffing are very different today. The following are some areas of concern on which the committee may wish to speak.

**Access:** In Saskatchewan, admission to the high school level is open to non-Catholic students. We require the students to understand the intent and philosophy of Catholic schools. From 1965 onward, our Catholic schools grew slowly. The bulk of the population at first came from private convents and boys' schools. Not very many students who were then enrolled in the public system moved to the Catholic system. The bulk of the enrolment in the Catholic high schools grew from grade 9 admissions.

**Personnel:** Because of the shortage of qualified teachers in the mid- and late-1960s, Saskatchewan boards hired non-Catholic teachers when qualified Catholic teachers were not available. They were hired on the condition that they accepted the philosophy of Catholic education and would respect the rights and practices of the Catholic community. Many of these teachers have remained on staff as career teachers with the Catholic system.

In Saskatchewan, the implementation of the grades 9-to-12 program varies from board to board, and arrangements vary depending on location. Some small boards have never moved to create high schools but have arrangements with the public school division.

Not only is funding for both systems in Saskatchewan provided, but equalization formulae also ensure sound basic financing. In other words, the taxation and the funding from the provincial government are exactly the same for both systems. Assessment is based on the faith of the taxpayer, and agreements for tuition fee payments between boards are allowed in legislation. I might remark at this time that we do have such an arrangement in the Catholic system in Saskatoon with the public school system, and the exchange of students is done on the basis of a tuition fee.

There are many areas of common ground in the province, such as curriculum guidelines, qualification and certification of teachers, trustees having the same duties and powers, provincial grants based on the same regulations, and capital construction funding based on a common principle for both systems.

Although the ground is similar in many respects in public and Catholic schools, the Catholic school is based on a different philosophy or concept of education. In the Catholic school, there is no separation of secular and sacred. To live in the world is to live with a religious or sacred understanding of the secular. Teaching in the Catholic school goes beyond the religious courses and exercises. The religious

underpinnings of the Catholic school are profound, deep, subtle and distinctly obvious throughout the entire operation of the school.

Historically, in Saskatchewan, there have always been some non-Catholics who, by preference, have attended Catholic schools or taught in Catholic schools. This is not a problem for the Catholic community but attests to the deep value that Canadians hold, that unity is to be found in diversity. As Father Mohan has indicated in his remarks, we offer a truly Catholic program in our schools.

Thank you, Mr. Chairman, for your kind attention.

**Mr. Volk:** My name is Jake Volk, and I am also from Saskatchewan. My background in education includes 14 years as a teacher and 14 years as an employee of the Department of Education in the positions of director, regional director and director of educational administration. I am currently in my seventh year as executive director of the Saskatchewan School Trustees Association.

In Saskatchewan, we have always had separate schools. Initially, both Protestant and Catholic separate schools formed part of the Saskatchewan education but, in recent years, all the Protestant separate schools have joined the public school systems and, as a result, Saskatchewan now has Catholic separate schools only.

Prior to 1964, legislation provided for the establishment of separate high schools with one major qualification. The establishment of separate high schools was not permitted in a district which was organized under the Secondary Education Act. In 1964, however, the legislation was changed to allow for the establishment of separate high schools in towns and cities organized under the Secondary Education Act. The separate high schools were permitted and, indeed, were in operation in some rural divisions prior to 1964. Therefore, since 1964 the administrative provisions for public and separate schools are essentially the same.

Public and separate schools are funded in the same way. A set of constants is used to determine what we call recognized costs, or assigned costs, for every jurisdiction, and a uniform computational mill rate is applied to the assessment of every jurisdiction to determine the local input required of that jurisdiction. The grant makes up the difference between these recognized costs and the computed local input.

Legislation determines the assignment of declared and undeclared corporation assessments. In the case of declared assessments, the

portion of the assessment designated for the separate school shall be the same as the portion of the shareholders of the corporation who are separate school supporters. In the case of undeclared assessments, the portion of the assessment designated for separate schools and public schools shall be in the same ratio or proportion as the total assessment, other than corporation assessment, within the boundaries of that separate school division. Thus, when the total assessment for a jurisdiction has been determined, the grant calculation becomes both simple and objective.

In Saskatchewan, we now have only Catholic separate schools. All Catholics in a separate school division have no alternative but to pay their taxes to the separate school system. The designation of one's taxes is a function of one's faith. However, where there are arrangements between boards, public school supporters may send their children to separate schools and the separate school supporters may send their children to a public school. We have many such arrangements in Saskatchewan.

Also, we have Catholic teachers teaching in public schools and Protestant or non-Catholic teachers teaching in separate schools. Generally, separate schools hire predominantly Catholic teachers and the public schools hire but a small percentage of Catholic teachers.

I can appreciate that during the transition period, when separate schools begin to include the senior high school grades, there may be some initial problems in the allocation of staff. However, I would also expect this would be a temporary problem which should rectify itself in due course.

**10:30 a.m.**

The relationship between separate and public school boards in Saskatchewan is excellent. On occasion, such issues as accessibility to schools, exemption from religious instruction, lifestyles of teachers and the choice of schools generate some anxiety and some tension. However, a genuine desire to provide the best possible education for students while at the same time meeting the hopes and aspirations of parents usually, most commonly, results in an acceptable solution.

**Mr. Furey:** I am Frank Furey, from the far-eastern province of Newfoundland. Sometimes I say I come from an east-coast port.

I have been associated with education in Newfoundland for the past 47 years; as a matter of fact, I am beginning my 48th year now. I spent 11 years as a teacher and 29 years in various

administrative positions in the Department of Education. On my retirement a little more than seven years ago, I became a school trustee; I am still a school trustee until the next election in November 1985.

I assure you it gives me a great deal of personal pleasure to come before your committee and to give you an insight, if you are not already familiar with our system, of what our system in Newfoundland is like.

Quite frequently people refer to the educational system in Newfoundland as unique. This may be true in the fact that in many respects our system is different from any found elsewhere.

The Newfoundland system is not a state system because (1) the state does not control it entirely and (2) the state does not provide all the money for education. Neither is it a church system. The churches derive their rights from the state through legislation and depend largely on grants from the province for the construction and maintenance of schools. However, teachers' salaries are totally funded by the provincial government.

I would like to quote from a statement given by the Honourable F. W. Rowe, Minister of Education, to our House of Assembly in introducing legislation on education in May 1969. Dr. Rowe said this:

"We have by law a denominational system of education in the sense that by our own legislation the churches recognized for educational purposes have certain rights and privileges. These are entrenched in the Terms of Union between Newfoundland and Canada, and consequently formed part of the British North America Act."

Furthermore, these rights are now entrenched in the Constitution of Canada. In fact, Newfoundland's educational system is a public system of education, denominationally based. By law, the Legislature of Newfoundland has "exclusive authority to make laws in relation to education" (term 17 of the Terms of Union of Newfoundland with Canada, December 11, 1948). Our teachers, schools and school boards are supported by public funds, our curriculum is determined by the public authority, the Department of Education, and our schools are public by definition of the act.

It may be difficult to follow me now. I am now turning to page 4, because I realized my submission was rather lengthy and would take up too much of your time.

Our educational system, as I said, is a church-state partnership going back to the Education Act of 1876, which continued in its

its original form, with minor administrative changes, until the reorganization of education in 1968-69. At that time we had a royal commission on education, which made certain recommendations. These recommendations were then put into new legislation.

The legislation of 1968-69 provided for the churches to continue to participate in the educational process by the establishment of denominational educational councils outside the Department of Education. The Department of Education Act of 1968 created three separate denominational educational councils, each responsible, with the school boards under their jurisdiction, for the administration of education in the province.

The three councils are the Roman Catholic Education Council, the Pentecostal Assemblies Education Council and, combining all other religious denominations in the province, the Integrated Education Council. The duties of the education councils are outlined in the Department of Education Act, chapter 46, section 18, of 1984, and I will leave with you copies of that legislation.

While the organizational framework for the administration of education changed considerably with the 1968-69 legislation, the denominational basis of our system did not change, as it could not be changed without the agreement of the churches.

That the Newfoundland education system is a public school system, denominationally based, is made clear in the Schools Act, Revised Statutes of Newfoundland 1970, chapter 346. Section 63 of that legislation states, "No school board shall refuse admission to any school under its control to any child solely on the ground that that child is of a religious faith which is not the denomination or one of the denominations of the school, if there is no school of his own religious persuasion reasonably available to him."

I would like to turn for a moment to financing education in Newfoundland. In the current fiscal year, the net expenditure on education is \$387,287,200, which is expended on the primary, elementary and secondary school system, as well as specialized educational programs for disabled and handicapped children. In addition, a further \$128,274,900 is expended on career development and advanced studies, which was a new department created at the last session of the Legislature.

However, since the latter is concerned with post-secondary education and training services in the province, we shall confine our remarks on

financing to primary, elementary and secondary education, the cost of which is now 16 per cent of our budget.

In the apportionment of all grants for the erection and construction of schools, up to 90 per cent of the cost is based on the population of the several denominations in the latest census figures available on March 31 for the year in which the grants were approved by the Legislature. These grants for capital construction are divided as follows: Roman Catholics receive 36.27 per cent, the integrated group 54.31 per cent, the Pentecostal Assemblies 6.64 per cent, the Seventh-Day Adventists 0.14 per cent, and others 2.64 per cent.

All other grants for the operation and maintenance of schools, grants for the transportation of pupils and for the purpose of school supplies and equipment, and all grants connected with education in schools or colleges, or both, are paid to schools on a nondiscriminatory basis and in accordance with scales set forth in regulations approved by the Lieutenant Governor in Council.

Teachers' salaries are paid in full by the Department of Education to the school boards and are based on qualifications, experience and the administrative responsibilities of the teacher.

**10:40 a.m.**

With local taxation, the local School Tax Act authorizes the Lieutenant Governor in Council to declare any municipality or groups of municipalities to be a school tax area and to establish a school tax authority for that area. The school tax authority has the power to impose, assess and disburse the school tax. The manner of imposition and the rate, however, have to have the approval of the minister. The act authorizes the imposition of both a property and a poll tax. All moneys raised by the authority are distributed to school boards on the basis of the ratio of each board's school enrolment to the total enrolment of the school tax area.

In conclusion, a great deal of interdenominational co-operation has grown up over the years involving the sharing of facilities and personnel and in the operation of joint services, especially in rural areas of the province. Newfoundland has moved a long way from the days when religious bigotry led to unfortunate, even violent, confrontations. In our day, Newfoundlanders rejoice in the spirit of ecumenical dialogue and mutual respect that flourishes in our province. Undoubtedly one of the major factors in the creation of this atmosphere has been the sense of security that each feels in the free exercise of his religious rights. This sense of security has helped to relax

tension, to open hearts and to increase co-operation for common goals.

In no area is this more manifest than in the field of public education. Newfoundlanders have devised a structure of public education that not only allows for freedom of choice and personal religious expression in schools but has also provided guarantees for the people of the province to exercise this freedom. We make bold to suggest that no province or country has been more successful than we have in the creation of harmony and the maintenance of true peace, thanks to our denominationally based system of public education.

**The Vice-Chairman:** Thank you very much. I have not been very successful in trying to impose time restraints, but I look at the schedule and we have a very heavy day. I would like to be able to finish with this group by 11 o'clock at the latest. If I see no objections from the committee, that seems reasonable.

**Mr. Reycraft:** I am sure there will be many questions.

I admire your objective, but I wonder at our ability to achieve it. I would like to ask a few questions about the situation in Saskatchewan, and then I will hold back my other questions in case others wish to pose some.

What percentage of your population is Catholic?

**Mr. McGrath:** About 30 per cent.

**Mr. Reycraft:** Is there any particular rural-urban pattern with respect to that overall percentage?

**Mr. McGrath:** I do not think you would consider it a pattern overall. Some areas are more heavily populated with Catholics than others, but I think generally we accept the 30 per cent figure as being a reasonable one to outline the province.

**Mr. Reycraft:** In those parts of the province where separate high schools have not been established outside the cities, are any provisions made for religious education?

**Mr. McGrath:** That is handled locally. They can do it if they negotiate with the public school system, or they can handle it on a local basis for the students for whom they are responsible. This is done, and it is done at the parish level in many cases.

**Mr. Reycraft:** Can you expand on the extent to which it is done and how it is done?

**Mr. McGrath:** Basically, many agreements are negotiated throughout the province and they vary from location to location. Some of them would incorporate a period of time being

available for Catholic students in the schools that formerly received religious instruction; others would exclude that, but the religious instruction could come about at the parish level. Some students are transported some distance to the public high schools.

**Mr. Reycraft:** Is the province generally experiencing a problem of declining enrolment?

**Mr. McGrath:** Yes. Now we are.

**Mr. Reycraft:** Is there any difference in the extent of decline between the Roman Catholic system and the public system?

**Mr. McGrath:** I would suggest not, although there is a considerable decline at the rural level. The urban areas seem to be on an increase, although it is slight in some areas. The decline is basically at the rural level. This causes transportation of extended distances, which presents other problems besides arrangements with the public school divisions. In some cases travel is extended up to an hour on the bus in the morning.

**Mr. Allen:** I think we are especially honoured this morning to have such a national presentation before the committee. We have not had this kind of multiprovincial presentation to date and I am sorry we do not have a little more time, but I will respect the chairman's desire to rule us on that one.

I want to ask Father Mohan, Mr. McGrath and Mr. Volk about the hiring arrangements for their systems in Alberta and Saskatchewan. What exists in your respective acts that restrains or provides exemptions for Catholic boards hiring teachers with respect to human rights issues? Is there anything in the legislation that governs you?

**Father Mohan:** In Alberta there is nothing, as such, in the act. I think it would be vitreous to the committee to understand a board like the Calgary Catholic board because many people who teach for us are not of the Catholic faith but admire the Catholic program being taught. Over the years they have accommodated themselves to that very comfortably. Regarding the act itself, there is nothing that would do that.

**Mr. Allen:** Is there an Alberta Human Rights Code or something of that order?

**Father Mohan:** Very much so, yes.

**Mr. Allen:** There is no legislation that allows any board exemption from those provisions?

**Father Mohan:** No. It is not a matter of being legally able to discriminate against people, but rather of being able to hire teachers who are qualified to do what we are mandated to do,

which is to teach a Catholic program. People must be able to fulfil that mandate when they come to us, not only in sympathy but also in knowledge.

**Mr. Allen:** Perhaps we can have a comment from Saskatchewan with regard to those same questions.

**Mr. Volk:** Our legislation does not cover the issue, but we have had rulings from our Saskatchewan Human Rights Commission on the kinds of questions that can be asked and the advertising that boards are permitted.

Public boards have very serious limitations in the kinds of questions that can be asked and advertising that can be done. Separate boards have not been subjected to the same regulations. They have been given some dispensations.

**Mr. Allen:** Have you found, under the arrangements that currently exist and the constraints those judgements have required, any real or significant impediment in your ability to maintain a distinctively Catholic system for your students?

**Mr. Volk:** Not to this point. I think there is some concern about how the Charter of Rights may affect the same questions. We have not had any difficulties under the Saskatchewan commission. I do not think it has restricted boards in the teachers we have been able to hire.

**Mr. Allen:** Could we secure from you, or through our ministry—I gather they are in documentary form—the judgements and the requirements of the questions you may ask in the hiring process and so on?

**Mr. McGrath:** They are on our application forms. We use them fully and we have had no restrictions from the human rights commission in that regard. We have continued to use the same forms we have used for a number of years.

**10:50 a.m.**

**Mr. Allen:** Could we secure copies of those in some fashion?

**The Vice-Chairman:** I gather this request has been made before and we are waiting for the ministry to supply us with the information.

**Mr. Allen:** Thank you. Thank you, gentlemen.

**The Vice-Chairman:** I cannot believe it, everyone is being so co-operative this morning. Mr. Offer.

**Mr. Offer:** I will be brief, as usual.

On a more general aspect of your presentation, in our hearings throughout the province we have heard deputations from many different people

concerned with a possible effect on the social fabric of society with respect to the implementation of full funding. I would like to get an idea as to whether you have detected a dissociation of sorts between students attending the public systems and those students attending the separate systems in their co-operation with each other in the provinces for which you are concerned.

**Father Mohan:** I suggest that is just a red herring. In the 30 years that I have been in education, specifically in Catholic education, I have never seen that. You cannot even say it is something that happens consistently. It might happen individually and the individual occurrence would have to be explained individually. Just as the families on your block are individual, they are individual families and you treat your family in an individual way, so schools operate in somewhat the same way.

They are themselves individual and as such they teach that way, so it is not something you can generalize about and say these two school systems are going to cause great social difficulties in later years because of that. Schools just do not do that. They are places where you operate a program, a program not only of instruction, but also a program which forms people in good ways. That is not my experience from schools and Catholic education specifically.

**Mr. McGrath:** I would agree with Father Mohan. I have no experience whatsoever of any social fabric being torn apart by the presence of the two school systems. There may be healthy competition in many areas because we do have sports activities and interschool activities in drama and other areas.

These kinds of things we consider competition and the competitiveness may exist. From that standpoint, I suppose there may be an appearance of some upset; a team may become extremely emotional over a game or some such thing and there may be some general public comments but certainly no interruption in the family life.

I think there should be a beneficial effect from the program offered in Catholic schools. That generally ecumenical attitude should exist towards all mankind. I hope that will come about.

**Mr. Furey:** If I may speak for Newfoundland, I have travelled the length and breadth of Newfoundland for four or five years as a district school supervisor. I visited schools of many denominations at a time before the integration of the non-Catholic denominations. In some areas you had one school on one side of the road and another on the other side. At recess and after school, all I saw was co-operation. In the larger

urban areas, you have a healthy competitive spirit in athletics.

I referred to the early days of bigotry in Newfoundland, but these days were gone before my time.

Where we have large regional high schools in the urban areas, there is a great spirit of co-operation between them. There is a great spirit of co-operation between the denominational educational councils to which I referred. They occupy one floor of a building, all three having their offices on the same floor.

**Father Mohan:** It may be of interest for you to know that probably the greatest difficulty we have had in operating Catholic schools in this way, especially in the area of sports, is with the other Catholic schools. We have had probably more competition and more ruckuses concerning sports with Catholic schools than with other places, so it certainly has never been anything like that.

Our school board in Calgary, by the way, is very different from what the question would even presume. For instance, we have even the Jewish schools attached to us in Calgary. They operate independently, but they are associated with us.

**Mr. McGrath:** Here is a point, too, that I might just elaborate on, which can be negotiated through an autonomous school division. We have three associate schools attached to our school division. We are the vehicle that enables those schools to operate. They operate according to their own philosophies, but we are the vehicle that enables them to operate. There is a native school, a French school—that is, an English parent school established for the teaching of French—and a French school whose language of instruction is French. Those schools are all associated with us, yet they are not Catholic schools.

**Mr. Gillies:** My question concerns the Newfoundland act which Mr. Furey quoted to us on page 5 of his presentation.

One of the major items that has become part of our debate in Ontario is whether a space should be available to a qualified student subject to the availability of space or as a matter of right. I see in your quote from the Newfoundland act that if no school of the student's own religious persuasion is reasonably available, space will be provided, or the board shall not refuse admission to a school under its jurisdiction in that case unless a school is reasonably available to the student.

Is there anything elsewhere in the act or in the regulations to the act to suggest that this is subject

to the availability of space? Or is it incumbent upon the board to provide a space or create a space regardless of how it sees its situation vis-à-vis its student body?

**Mr. Furey:** If there is no school of his religious persuasion available to him, then you must admit him.

**Mr. Gillies:** You must create a space, regardless of the situation.

**Mr. Furey:** That is right.

**Mr. Gillies:** Has this caused any problems?

**Mr. Furey:** Not that I am aware of. If there is a question of what is a reasonable distance, the final arbiter is the Minister of Education. That is his decision.

**Mr. Guindon:** My question is for the members from Saskatchewan and Alberta, with regard to the francophone schools. Mr. McGrath mentioned that in Saskatchewan the francophones are not in the separate school system at the secondary level. Is that a fact?

**Mr. McGrath:** They are. They have no schools of their own as such. We do have an associate school that is a francophone school associated with our system, and we are the vehicle by which it is financed.

**Mr. Guindon:** Do they have religion credits?

**Mr. McGrath:** Yes.

**Mr. Guindon:** How is your representation as separate school or public school trustees in that regard?

**Mr. McGrath:** They have no representation on the fiscal board as such. They have their own school committee.

**11 a.m.**

**Mr. Guindon:** How about in Alberta?

**Father Mohan:** In Alberta there are no French representatives on boards as such. We are developing solutions in Alberta, especially in Calgary. The Calgary board, which I am with, does have a francophone school, immersion programs and bilingual programs. It is a question that is developing in Alberta. Justice Purvis has just brought down a decision on the compliance with the Canada Act and the federal Charter of Rights and Freedoms. That has not really filtered down to the boards yet to see how we will react to it.

Currently, we have a francophone school connected with the Calgary board and it is operated by the ordinary trustees who would be elected to that board.

**Mr. Guindon:** Is it in the separate board?

**Father Mohan:** Yes.

**Mr. Jackson:** Is it clear that in all three provinces represented here today there are no public school representatives on a separate board and no separate school trustees on a public board in each of your provinces?

**Mr. McGrath:** There has been an election where a non-Catholic has been elected to a Catholic school board. That occurred because an open space in the change in the Schools Act allowed it to happen. The space has since been closed and it will not take place in the future.

**The Vice-Chairman:** I would like Mr. Allen to spell out exactly what his request was, because apparently we might not have been on the same wavelength.

**Mr. Allen:** I realize that when our Saskatchewan representative was here from the department we asked for, and I think even at that point we did secure, some documentation with respect to the act itself and some of the provisions of the act. But what I thought I heard this morning was something different; namely, some decisions by the Saskatchewan Association on Human Rights which indicated in some documentary form or communication to the separate school boards and authorities the nature of the questions they might ask of prospective employees, and the kinds of advertising they might or might not legitimately, under the act, place in public places in advertising for teachers.

Could we have any documents you have regarding those judgements by the commission, the directives it may have issued, the forms of advertising allowed, and so on? That would be very helpful for us.

**Mr. McGrath:** Basically, this deals with our application form for candidates for teachers in our system. We have had, for some time, a form that asks questions about the practising of the Catholic faith, the name of one's pastor, etc. That form has been cleared by the human rights commission and we continue to use it. Is that what you are interested in?

**Mr. Allen:** I thought perhaps there was a written judgement or communication of a more general kind from the commission which would lay out its concerns and show the directions it thought hiring should take.

**Mr. McGrath:** They have their ground rules laid out regarding the kinds of advertising and the kinds of questions which can be asked of the average person who will be employed in Saskatchewan. They dictate a course that would eliminate the questions of religion, sex, age and

many other things. But we have been able to maintain the form we have used for some time. It asks the person his religion and—

**Mr. Allen:** Perhaps you could simply send us a copy of the form; that would be sufficient.

**The Vice-Chairman:** Please send that to the attention of the clerk and we can circulate it to the committee.

**Mr. McGrath:** I will do that.

**Mr. G. I. Miller:** I have one question. Father Mohan, you mentioned that all families do not choose to send their children to Catholic school.

**Father Mohan:** That is right.

**Mr. G. I. Miller:** Do you have any percentages available, from the experience you have had in all provinces, on how many have attended the separate school, both Catholic and non-Catholic?

**Father Mohan:** First of all, in my own municipality, Calgary, we have an open-door policy between both boards, but since we do not keep records such as that within our schools, I cannot give you a percentage. As I said, the programs are different, and they are there for people to use. It is an academic program; so when people want to associate with a program, they do that.

I can tell you that in Ontario, once again we do not have percentages of people. In the 25 years I spent teaching and operating schools in the Toronto area, we always had a certain number of non-Catholics; as a principal, I might know them when they first came, but after a week or so we would not even know them. We also had non-Catholic teachers in these schools who taught there for 15 or 20 years; they were not Catholic but they did teach in the Catholic program.

I am afraid we have never kept that type of record as far as I know.

**Mr. G. I. Miller:** In Saskatchewan, would there be a sharing back and forth? Would the location of the school have a bearing on it?

**Mr. Volk:** I do not have the percentage figures, but the numbers are small, and they are small for a variety of reasons. One of the major concerns is that a parent loses his right to vote and to have that kind of influence in the school. If a public school supporter sends a child to a separate school, it does not give him the right to participate in the elections and in the administration of the school, and vice versa, and that acts as a deterrent. There are other reasons, but I would say that is a very important one.

**Mr. G. I. Miller:** What about Newfoundland?

**Mr. Furey:** We do have some Catholic children attending non-Catholic schools, but not too many. In some areas, where there is no Catholic school available to them, they have to attend a non-Catholic school. There also are joint services provided in a school administered by a Catholic board or in a school administered by an integrated board. However, where Catholic children are concerned, provision is made that there will be so many Catholic teachers on the staff of that school.

I would like to mention that we have an excellent example of co-operation in Labrador. In Wabush, we have one large school with two wings on it. It is called J. R. Smallwood Collegiate.

**Mr. Guindon:** I wonder why.

**Mr. Furey:** You have heard of him?

There is a Catholic wing, and there is an integrated wing; they share common facilities. That has also taken root in some other parts of the province, even in small areas where we have small central high schools or regional high schools. I think we can hold up the Wabush plan as a model for any province.

**Mr. McGrath:** In my remarks I indicated we had an agreement with the public school system in the city of Saskatoon. There is freedom of access on the part of students of both systems. Approximately 10 per cent of our student population is non-Catholic, with a slightly larger number of Catholics going to the public school system. That will give you an idea of what happens with absolute freedom of choice. There are no restrictions whatsoever. There is no requirement for change of taxes on the part of the parents; it is simply a matter of the choice of the student to attend school.

**The Vice-Chairman:** Gentlemen, I want to thank you on behalf of the committee. I agree with the member for Hamilton West (Mr. Allen) and other members of the committee that we are honoured to have you, a group from all across Canada, before us this morning. You have been most helpful and most optimistic, and it is a good way to start the morning. Thank you very much.

**Mr. Meehan:** I want to thank you, Mr. Chairman. The warmth of your reception has made up for the coldness of the room.

**The Vice-Chairman:** We are getting used to this room. They turn the air-conditioning on at a certain date and do not turn it off, no matter what the weather is like outside.

11:10 a.m.

The next group to appear this morning is the Cochrane Iroquois Falls Board of Education. Welcome to the committee. We apologize for holding you up, but we appreciate your being here.

## COCHRANE-IROQUOIS FALLS BOARD OF EDUCATION

**Mr. Michon:** With respect to the coldness of the room, I thought that because there were so many former teachers on the committee and so many trustees here, it was just to keep the students awake.

I am R. G. Michon, the director of education for the Cochrane-Iroquois Falls Board of Education, and our board welcomes the opportunity to address the members of the standing committee on social development on the issue of full funding for separate secondary schools.

I will be brief, but I would like to bring to your attention some of the concerns of a very small northern board with respect to the aspect of resources, our concern about the preservation of a viable public secondary school system and perhaps exemptions in relation to religious studies.

While our board has co-operated with the Cochrane-Iroquois Falls District Roman Catholic Separate School Board to establish separate secondary schools from this September—commencing with grade 9, within the existing secondary school facilities in both our communities, Iroquois Falls and Cochrane—the board regrets that it must express its frustration over the haste with which the board had to plan for this September. It created undue stress on everyone concerned in our area.

It is also the board's understanding that the plans of the Roman Catholic separate school board for the extension for the next school year, 1986-87, have to be submitted to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario by November 29, 1985. This means that board will be planning without any assurance that the proposed legislation will become law.

The reason I mention this is that our tentative agreement with the Cochrane-Iroquois Falls Roman Catholic Separate School Board is pending the passing of the appropriate legislation. You can see a copy of the agreement in the appendix.

The Cochrane-Iroquois Falls Board of Education currently operates two very successful, but small, mixed secondary schools that are about 55

kilometres apart. Our two secondary schools are open to all students, and instruction is available in both official languages of Canada, French and English.

Our concern is that the creation of two additional secondary schools will reduce the enrolment of both to the point where the breadth of programs could become very limited unless additional resources are provided to allow smaller classes. We currently operate at a staffing ratio of below 13 to 1. Those of you who have been in the classroom or who are former trustees understand what that means. Because of this level of operation, the board's per pupil cost is one of the highest in the province and places this board over ceiling. I do not have to tell you that over-ceiling expenditure is a direct cost to the ratepayers.

This is a real concern of our board, and our board hopes its secondary school system will not be placed in jeopardy by the proposed changes.

The preservation of a viable public secondary school system in the board's jurisdiction is of utmost importance and it is our board's primary concern. Our board also hopes full funding of separate schools will not be accomplished at the expense of, or be accompanied by, the elimination or substantial curtailment of its present secondary school programs.

In small communities such as Glackmeyer township, Cochrane, Iroquois Falls and Black River-Matheson, which form the board's jurisdiction, our board submits that the coterminous boards must share facilities and programs. I know some of my colleagues disagree with me, but we must share programs to survive.

When you take a close look at the board's enrolment statistics, you will understand our board's concerns. A year ago in September we had 1,293 students. For those of you who do not have pocket calculators, in the École Secondaire Cochrane High School there were 537 students—you can see the breakdown in both language groups—and in Iroquois Falls there were 756, for a total of 1,293.

Based on our projections and the separate school board's projections, without full funding we would have 1,195 students, comprising 454 in Cochrane and 741 in Iroquois Falls; with the extension of funding, there would be a total of 758 students—326 in one area and 432 in another. This would drastically decrease flexibility in the schools.

Furthermore, the majority of students transferring will be French-speaking. This means all programs will be dramatically curtailed. The

reason for this curtailment has been a tradition in our area that about 30 or 40 per cent, or even up to 50 per cent, of the French-speaking students would take three or four subjects in the English language. Therefore, the French-speaking curtailment affects the English side of the school as well.

With respect to trustees elected to the board of education by separate school electors, you have our brief in front of you, but I realize there has been a change in that; so that concern of our board, if we understand correctly, is alleviated.

However, we have another concern. In view of the fact that French-language boards may now be considered, our board supports the Northern Ontario School Trustees' Association's recommendation "that the concept of a single umbrella board be seriously considered for each jurisdiction, having component sub-boards in the three areas of public, separate and French-language. This could be particularly advantageous in northern Ontario and would promote co-operation and enhance the ability of the different segments to provide a better range of programs, especially in smaller jurisdictions." Ours is an example.

The exemption for religious studies has already been pointed out to you, I understand, by the Northern Ontario Trustees' Association, but I want to emphasize that our board feels the Roman Catholic board should be allowed no provision for refusal if it is to act as a public board.

In conclusion, the Cochrane-Iroquois Falls Board of Education wishes to re-emphasize its primary concern, which is the preservation of a viable public secondary school system in its jurisdiction. The board believes that the public system is a proven system and insists that the quality of education provided by this system must continue to be guaranteed.

Although the board is in disagreement with Bill 30, it is the intent of this board, pending the passing of appropriate legislation, to continue to co-operate with the Roman Catholic separate school board. As always, the board makes the needs of the students its number one priority, and it hopes that in co-operation with the Roman Catholic school board, the level of the students' education will not be diminished in any way by the passing of full-funding legislation.

11:20 a.m.

**The Acting Chairman (Mr. Reville):** Thank you, Mr. Michon. I am sure the committee appreciates the brevity of your remarks.

**Mr. Gillies:** Mr. Michon, I want to refer to the figures on page 4 of your presentation. Can you give us an idea of how you arrived at your projection that 437 students would transfer to the Catholic system by 1989? Was it by way of a survey of parents or students, or was it a statistical projection?

**Mr. Michon:** It was arrived at in discussions with the separate school board. It is based on the percentages of students currently enrolled in grade 9; we just projected them to 1989. That is how we arrived at it.

**Mr. Gillies:** Do you assume in that figure that all Roman Catholic students going through the public system will transfer?

**Mr. Michon:** No, we do not.

**Mr. Gillies:** So this is a percentage; it is an estimate.

**Mr. Michon:** It is a percentage. It is about 60 or 70 per cent.

**Mr. Allen:** Mr. Michon is probably aware from looking over our questioning and our concerns that we have been quite concerned about the problem of smaller, isolated communities, single-school communities. We have been trying to get a handle on the question of what the criteria of viability are from the perspective of Cochrane-Iroquois Falls and other centres that face those problems.

I notice your projections for your two schools indicate a drop in the Cochrane school from about 537 students to 326 and a drop in the other case from close to 800 students down to 432. Do you have in your board a fairly clear sense of where you pass into the nonviable category with those falling numbers?

**Mr. Michon:** We are getting there very quickly. A couple of years ago, even before full funding came in, we started looking at declining enrolments and at alternatives; with the advent of full funding, it is more difficult. Declining enrolment is going to hit us. We are looking at a different approach in both of our secondary schools, such as individualized instruction and different patterns. We have no choice.

A viable program for us simply means we must meet the needs of our group, whether we have three students or 20 in grade 13 or Ontario academic courses. That is why the staffing ratio is so low—it is below 13 to 1, which very few boards have. If we have five students in one area, we feel we have to offer them.

This is why we state there must be co-operation between the boards. We have had co-operation. We hope we can carry on so that

services can be bought, as was mentioned earlier, from both boards. But if we go much lower than the 400 mark, we are in deep trouble.

**Mr. Allen:** So you are right on the edge.

**Mr. Michon:** We feel Cochrane should receive the same services you get here in Toronto, and that is why I appreciate the opportunity to present some personal concerns of small boards.

**Mr. Offer:** With respect to the enrolment, can you give us some sense of how the board has been affected by declining enrolment without the full funding? What has been happening with the board's enrolment to date? You have given somewhat of a snapshot and I am wondering if we might be able to get the full picture.

**Mr. Michon:** Without full funding, we would have a decrease in enrolment projected for the next five years of only approximately 100. It would be little different from what we are at now.

**Mr. Offer:** I see. Okay.

**Mr. Allen:** That does help to give us a broader background to look at those figures.

I gather the separate board's intent for the moment is to develop entities in both of your high schools. That is the direction right now. I also understand the objective is two separate high schools in each of the two locations where you have schools now.

**Mr. Michon:** It is my understanding that is the intent of the separate school board, yes. As I stated earlier, the grade 9s are in our schools currently. I understand their projection is for grade 10 and one year at a time, within our own facilities.

**Mr. Allen:** Their plan ultimately is to have, if you like, an independent school, but in your facility?

**Mr. Michon:** Yes, the two schools under one roof.

**Mr. Allen:** Okay. The numbers they are counting on are strictly the reverse of yours, I guess. What you lose, they gain.

**Mr. Michon:** Yes.

**Mr. Allen:** We are talking about two entities which together comprise just over 500 students and split roughly evenly between the two schools.

**Mr. Michon:** Right. If we are losing 450 and we end up with 750 each, yes; you could say roughly between 400 and 500, and 600 and 700 in each school.

**Mr. Allen:** Okay. My last question is with regard to the declaration of intent. Some boards

in some areas have gone ahead and developed pretty complete protocols, arrangements for staff transfers and all sorts of items. You have a declaration of intent which is to take effect pending the passage of the legislation. Is there a more complete document that stands behind this, amplifying any details?

**Mr. Michon:** A document is being prepared. It should hit our joint committees within the next couple of weeks.

**Mr. Allen:** Could you forward a copy of that to us when it is completed?

**Mr. Michon:** Yes, but it will not be signed until there is legislation.

**Mr. Allen:** I see. Thank you very much.

**Mr. Guindon:** Mr. Michon, the power of the francophones in the secondary school system in Cochrane and Iroquois Falls seems to be different from Windsor, Sudbury or Ottawa-Carleton. With the Ontario Schools, Intermediate and Senior Divisions guidelines coming, can you explain why francophones are ready to make a switch to the separate secondary schools so fast?

**Mr. Michon:** In our jurisdiction the language issue has been at stake for the last 10 years, but the mixed secondary schools have been supported by the communities. My understanding right now is they are moving because of the religion issue and not the language issue.

**Mr. Guindon:** They are aware of OSIS?

**Mr. Michon:** Yes.

**Mr. Guindon:** I know OSIS affects your school board, like everybody else.

**Mr. Michon:** Yes.

11:30 a.m.

**Mr. Guindon:** You are aware that there are 16 mandatory credits?

**Mr. Michon:** Yes.

**Mr. Guindon:** The francophones have to take another four English courses to qualify in the English language, so that would be 20. Is that right?

**Mr. Michon:** If I understand your question, the French-speaking students, according to their language, will take five français and as many English as they want. If they are English-speaking and their mother tongue is English, they will take five English. Perhaps that is what you are referring to. That is not a problem.

**Mr. Guindon:** I am saying that the francophones, in taking five français, should take five English.

**Mr. Michon:** If they so desire.

**Mr. Guindon:** To succeed in Ontario, I imagine they would. It is not an obligation.

**Mr. Michon:** That is right.

**Mr. Guindon:** It is just about mandatory for them. If you have four more courses of religious instruction, it will be up to 24.

**Mr. Michon:** I imagine that is a problem the Roman Catholic separate school board is going to face.

**Mr. Guindon:** That is what I wanted to know. Are they aware of that?

**Mr. Michon:** Yes, they are.

**Mr. Guindon:** They are aware there will be only six optional courses left for the students.

**Mr. Michon:** We have discussed that and they are.

**The Vice-Chairman:** Are there other questions from the committee? If not, thank you very much for coming today. We appreciate your assistance.

**Mr. Michon:** Thank you for the opportunity.

**The Vice-Chairman:** The next presentation is by Mrs. Bernadette Michael. It is presentation 627.

#### BERNADETTE MICHAEL

**Mrs. Michael:** My name is Bernadette Michael. It is a privilege to be allowed to present my views on the funding of schools and I thank you for allowing me to do so. I trust that what you have heard in the last few weeks, and I hope what you hear today, will allow you to clarify the decision on a topic of such great importance.

When Premier William Davis made the announcement that the time had come for full funding of separate schools and Bill 30 was passed with the approval of the other two parties, there was great excitement. I was among those who shared the excitement because ever since coming to Canada 16 years ago it has been a problem one has had very strong feelings about. I never could understand the justice of the system. Hence, when negative and hostile misgivings were evoked by the announcement, I was perturbed.

While some of the misgivings by both those who oppose funding and those who are in favour may have been justified, it seemed imperative that the reasons for the move towards full funding be taken in their entire context and that the benefits be evaluated so that the people of Ontario would be able to realize it was the only way to go.

What is the most important factor in education? It is the necessity to teach our children to become good citizens and to equip them to meet situations in everyday life in a mature manner and train them for the future.

Why do Catholics send their children to Catholic schools? They want their children to be raised in an environment where religion forms the basis of their everyday life, since most of their waking hours are spent in school and because they want their children to be educated in the precepts of their faith.

They are concerned about the permissiveness that permeates some of the public schools. They are interested in their children being taught discipline and a regard for authority, something that is lacking in many public schools. They do not have the time to train their children as well as they would like to. They do not always have the ability to do so.

This may sound harsh, but the fact remains that children are more willing to learn from others than from their parents. Many immigrants feel more secure enrolling their children in Catholic schools because they know that, apart from education, the central theme in a Catholic institution is a regard for others and a belief in God. For this privilege, they have been willing to pay to send their children to separate schools.

I feel I have the right to speak on school funding because seven out of our 10 children have gone through the separate school system, two others studied in Catholic schools in India and the 10th will be the only one to benefit from full funding. I do hope it comes. It has cost my husband and I thousands, but it has been money well spent because they have all emerged ready to face life. There may have been a few aspects of the system to which the children have been averse. Nevertheless, there is a balance in their behaviour, a respect for others that has made every effort worth while.

Coming from a country where we had children of all religions attending our Catholic schools and conforming to the rules, I do not see too much difficulty in non-Catholics fitting into separate schools. I studied in a Catholic school where we had Catholics, Protestants, Hindus, Muslims, Parsees and others studying with us. They were all happy to attend assembly, and while they did not have to say the prayers, they did not object to the discipline of having to stand in line, for what was taught was respect for God. It is this structure that has taught us respect for the religious beliefs of others.

Hence, pupils from the public school who are non-Catholics would be welcome if there is a need for them to join the system as long as they conform to the dictates of the school, the rules and regulations, and do not try to countermand the importance of religious dogma.

In this context, one suggestion I wish to make to the separate school boards is that they do not insist on non-Catholics taking religious courses. They could go to moral instruction classes instead, where the fundamentals of responsible behaviour and ethics would be taught.

While teachers form an integral part of the educational system and it is important their needs be met so that they in turn will provide our children with the best possible education, they should try to realize that they are not the most important factor in the educational setup. Although it would be completely unrealistic to believe that teachers work only for altruistic motives, it is hoped that their motivation in entering the educational field is to provide a very important service, which is what most of them do.

It is with considerable dismay that one reads the vindictive and vitriolic comments of those against the full funding of separate schools. In the arguments put forward by various teachers' federations in Ontario and by public school boards, I was baffled by the narrow view taken by them. Most teachers are more concerned about the loss of jobs and cuts that may have to be incurred.

While a certain amount of apprehension may be justifiable, what makes them feel that job security is the be-all and end-all of the educational system? What makes them feel that only students studying in the public school system should be entitled to all the benefits that accrue to education? Are not all children the same? Do they not all come under the code of human rights? While free education was a privilege given us by the Fathers of Confederation, what makes it the right of only a segment of people? It is something I have not been able to understand.

The separate school boards have guaranteed that teachers in secondary schools affected by the phasing to full funding would be absorbed by the system. Would the teachers, in turn, give us the assurance that they will follow the rules that would have to be observed and would not impose some of their ideas that run counter on touchy subjects such as abortion, divorce or dogmas of the Catholic faith?

11:40 a.m.

Through the years, the separate school system has been allowed to run individual schools and the system as it saw fit, yet it received funding up to grade 10. Why, then, has there been such an upsurge of dissent and why does it become necessary to monitor or regulate the separate school system if full funding is to be given? Does it make sense?

Parents who have been willing to pay for the education of their children are now concerned that, by accepting full funding, they will become hostages to the rules and regulations being foisted on them. They are concerned that the reason for the existence of the system would be so diluted as to make it lack the spirit of a Catholic school.

There has to be a reason that parents have been taking their children out of public schools and enrolling them in the separate school system. Here I refer to non-Catholic students. Why have public schools had to close due to falling enrolments, even before full funding? Why are parents sending their children to overcrowded schools where students are in portables instead of comfortable classrooms?

Rather than criticizing full funding and other systems, teachers would do well to look into their own system and try to find out where and why they have failed to attract students when they have more and better facilities at their disposal. Maybe they would do well to learn a few lessons from schools where religion is taught and try to emulate them.

While the discussions so far have been for full funding of Catholic schools, from my point of view every child in the province should have the right to a free education. All parents should be allowed to send their children to the school of their choice, as long as it meets the criteria laid down by the Ministry of Education, is viable and is able to function within the allotment given it by the ministry.

To those who would ask where the money would come from, let me put another question. We talk of free access to the public school system. What would it cost if all the children in Ontario—there are two million, I hear—were sent to public schools? Would they be refused admission because the cost of operation is too great or there was a lack of accommodation? Surely a means would be found. If that is the case, what is the problem in providing for them no matter which school they attend?

Some parents feel comfortable in a public school system and feel it is adequate that their children make a decision about religion when

they grow up. That is their right. Others are of the opinion that children need to be guided in the formative years of their lives. Parents all pay taxes and if they feel they are not able to give their children the amount of religious instruction needed to make them better people, they should have the right to decide where they would like to send their children to receive this training, without being penalized for doing so.

Under the terms of section 93 of the British North America Act, each of the provinces was given the authority to direct educational activities within its own borders. However, the provincial legislatures were denied the right of enacting any law that "shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union." Why then do we not go by the spirit of the law?

When the Fathers of Confederation created the Constitution, times were different, as were the standards and needs of education. In the last 100 years, we have undergone a great change, with immigrants coming from diverse parts of the globe. They have had to adjust to the country and, in turn, their needs have had to be met. The Fathers of Confederation, if they lived today, would have accommodated the needs of everybody.

Is religion such a dirty word that the mere mention of it raises hackles? We talk of the education system being fragmented if members of different religious persuasions were to run their own schools. Would there be any more fragmentation than now, when they are having to pay for it while they still have to pay taxes to support the public school system?

How or why would it cause fragmentation if there were consultants to inspect schools and see that the curriculum as set by the ministry was adhered to, if schools met the standards regarding the qualifications of teachers, if building standards and health regulations were followed, and if schools did not teach anything anti-Canadian?

The province could perhaps control the standards by a system of state-wide exams. Is there any less fragmentation by allowing parents to pay for the education of their children as they do right now? There are so many clichés, catch-phrases and buzzwords that it makes me wonder where the truth to all the criticism lies.

Why do Catholics send their children to Catholic schools? In fact, why do Seventh-Day Adventists, Jews and other religious denominations have their own schools? It is because they

feel it necessary to send their children to schools where their religion is taught, because religion is the focal point in education.

So many questions have been raised and so many objections brought forward to hamper the full funding of schools. It was predicted there would be a shambles if the first phase of funding went through. However, approximately one per cent of change has taken place and there has been no great upheaval. In like manner, if we allow the various phases to go through in a conciliatory manner, there should be very few problems.

The opponents of Catholic school funding suggested nothing be done about phasing until the court ruled on the matter. Knowing how long the process of law takes and how expensive it would be, they should try to visualize how much confusion it would cause if parents were told at the last minute they would have to provide the funds for their children. We call ourselves a just society, a humanitarian society. Is this the way people think? I am aghast they would think that way.

The \$6.5 billion we are spending on education is for 1,750,000 students in the public school system and up to grade 10 in the separate schools. Since there are two million students in Ontario, would it not be possible to accommodate the other 250,000 whose parents pay taxes? I am sure you will ask once again where the funds will come from. They will come from the same coffers that are providing the \$6.5 billion. Grants given at college level emanate from the central system. Why should that not be done in the distribution of school funds?

What are some of the benefits that would result from full funding of education for all students? All children would get a free education. People who have been paying taxes and not benefiting by it would now be able to do so. Parents would be able to decide where best to send their children. There would be a fair distribution of the educational tax dollar. There would be no necessity for special systems of assessment and consequently a less top-heavy administration.

Business taxes would not need to be allocated but would be fairly distributed. There would be a streamlining and down-sizing of all departments. Maybe we would not need to have so many commissions, which cost money. Last but not least, people who have had to spend millions on the education of their children will have the ability to utilize the money to stimulate the economy, to say nothing about boosting their own spending power.

I started this brief wanting to be fair and conciliatory and to understand both sides of the problem. It is something I have felt strongly about, and I thank you for the opportunity of letting me voice my sentiments. However, as far as I am concerned, we will not be completely fair until every child is given the right to a free education. All that is needed is a feeling of co-operation and sacrifice. Accommodations will surely have to be made.

In time we will find it fairly easy to accommodate each other's needs if we believe in social justice. Once that becomes a habit, it will mushroom into a society where we are constantly aware of the needs of others instead of ourselves. Mutual respect, caring and sharing the beliefs of others will succeed everything else and we need have no strife.

**11:50 a.m.**

**The Vice-Chairman:** Thank you very much for the articulate brief. We, as a committee, appreciate it when individuals come before us. We appreciate the umbrella groups and large groups as well, but individuals add a special dimension to the hearings of the committee.

**Mr. Offer:** I would like to echo your words. The personal representations are of extreme importance in this committee, because in some ways they seem to provide an emotion and feeling behind the words of the act. For us in the committee, it is very important to get a sense of that feeling and emotion.

As a preliminary matter, I would like to comment on the brief on page 2, subparagraph (d), and on page 4, with respect to some comments on the teachers and the public school system. Our public school system, teachers and the staff within certainly stand at a pinnacle of excellence and continue to build on that excellence. I do not think the teaching of morals and discipline is a monopoly of the separate school system; it surely is found within the public school system and is aptly demonstrated day in and day out by the teachers. Surely our teachers within the public school system are professionals in the fullest meaning of that word. As a preliminary comment, I wanted to make that statement.

As you know, under the act there is the possibility that non-Catholic teachers now in the public school system could find employment within the separate school system because of the fact that they are being declared redundant on account of the impact of full funding. I would like to get some idea of whether you feel the hiring of non-Catholic teachers under the act

would affect the catholicity of the separate school system.

**Mrs. Michael:** No, I do not think it should affect the system, as long as the teachers stay within their own boundaries. They should not have to have their lifestyles imposed upon. What they do themselves should not be any concern of the separate school. Once they do join the system, just as in any other business where you have to obey rules and regulations, the separate school system has a few precepts and principles it wants to inculcate in its children.

I am almost sure that, professionals as they are, teachers coming from elsewhere would not try to dilute that system or to impose their ideas on it. What they believe in is their business; what they teach in a Catholic school or what ideas they try to impose should be with respect to what the separate school wants. I feel strongly about that.

I do not think there should be too much difficulty. My son in India is the principal of a school where he has many non-Catholic teachers, and there is no problem. Once they are in school, they abide by rules. There should be no problem, because teachers are professionals.

I do have a regard for public school education per se. The education is better than anything else. But sometimes you have to admit that the respect public school students show for others is sadly lacking. I have seen that in public places, and I am sorry to say it does exist.

**Mr. Offer:** We could probably debate that for months and years.

It is understood that we do not want the non-Catholic teachers in the separate school system to have to restrict their own lifestyles outside the school. I have no doubt they will respect, in the fullest sense of the word, the Catholic system; but they also have their own lifestyles, which also ought to be respected.

**Mrs. Michael:** I agree with that. I fully endorse that. I do not think their lifestyles should be any business of anybody else, especially in this modern society. We have to tolerate a lot.

**Mr. Allen:** I appreciate the large perspective Mrs. Michael brings to her brief. I guess, like Mr. Offer, I wish it had been extended a little bit further in view of the comment of the previous representative from Alberta, who said Catholic schools are not better than their public school counterparts; they are different. I prefer that note to be struck.

Having two boys who either are just graduating or have recently graduated from a public secondary school, I do not think I have discovered a single teacher in that school who was not

interested in them personally and was not much more interested in teaching his or her subject and in bringing those children to some sense of understanding and maturity than he or she was in his or her job as such.

On the other hand, I understand the concerns of teachers' organizations about falling enrolment caused by changes of birth patterns and so on. Where their jobs are threatened, they face some real survival problems as individuals. They have families they have to be responsible for too, so they need an assured income. When something like what we are doing now impacts on them, they are going to be anxious. I hope you understand that.

**Mrs. Michael:** I do understand it. I too was a separate school substitute teacher. When we had more than enough substitute teachers, I was very gently asked to leave and I had to accept that. Let us take this phasing-in in a calm manner instead of getting so hyped up that we feel everything is going to disintegrate. Things will follow a pattern.

When our children from Catholic schools go to university, and I have had six of them go to university, they merge into the system. They do not ask each other which religion they belong to or try to promulgate their own religion; they just merge into society. It is just that in their formative years it makes it much easier if there is a certain pattern, a certain regulation.

As far as education goes, the public school system has the best facilities. In that context, I would like to say that while we do want full funding, maybe we may not be able to get all the facilities or to have all the programs. I am not sure whether the separate schools will agree; that is why I speak here as an independent. That may take time, because there is only a certain amount of money that can be allocated.

From my brief, maybe you have understood that I am for Catholic schools; but I am for religious schools. I am so much for people. I want every child in this province to have the right to full funding. That does not mean, if they want very elaborate schools or special treatment, the government has to provide that, but to a certain extent a certain amount of money should be allotted for the benefit of the education of each child.

**12 noon**

**Mr. Allen:** May I ask a small question? I would guess that the school you went to and described, which had so many different religious groups, was in India.

**Mrs. Michael:** It was in India.

**Mr. Allen:** Would I be correct in seeing in your presentation what might be called a Hindu-Christian viewpoint, inasmuch as Hinduism is a very eclectic kind of religious movement and the spirit of India seems to be very much influenced by that?

**Mrs. Michael:** No. My ideas are Roman Catholic and the word "catholic" means universal.

**Mr. Allen:** Comprehensive.

**Mrs. Michael:** Yes. It is a respect for all religions. In those days we were not taught so much about other religions but that we had to respect others' beliefs and ideas; that seems to have spread through. There was an ecumenism at a time when we did not talk of ecumenism; it was just practised. We, as children, would never make fun of anything another religion did, and that is what I want to bring before people.

Over here, I thought we were coming to a Christian country. We have people of all religions. I feel so sad when sometimes no respect is shown for religion. I do not care which religion it is, but respect for religion has to be shown. That is my feeling about it.

**The Vice-Chairman:** Thank you very much for expressing your deeply felt feelings. You refer in your brief to the sensitivity of the issue. I should point out that the committee is trying to deal with the issue in a sensitive way that also responds to people who are in the public school system now and who have some concerns about the potential effects on the public school system.

The final presentation this morning is from the Ontario Secondary School Teachers' Federation, District 50. It is brief 628.

#### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION, DISTRICT 50

**Mr. Carroll:** Mr. Chairman, before we begin, I notice you are running a little late this morning and will soon be going into your lunch period. We have a fair amount of material to discuss with you. Would you like to proceed now, or would it be more convenient for your committee to adjourn and see us early this afternoon?

**The Vice-Chairman:** We also have a heavy agenda this afternoon. It is up to the committee. We have three presentations this afternoon, with one coming from Alberta.

When you discussed this matter with the clerk, you were told there were some time constraints. We are willing to live with those time constraints, and we are assuming you are willing to

live with them. That means we have approximately half an hour together. I think the best way to proceed would be for you to summarize your brief and then let us get into some questions and try to go through it this morning.

**Mr. Carroll:** On behalf of the Ontario Secondary School Teachers' Federation, District 50, Victoria division, we thank you for the opportunity to appear at this hearing.

Perhaps I can take a moment to introduce the members of our delegation. They are, starting on my left, Dart Clark, president of District 50; Miss Lynne Dawson, past-president of Victoria division; Miss Sandra Jack, president of Victoria division. I am Peter Carroll, the provincial councillor for District 50.

Throughout the past year, our organization has attempted to study realistically the implications of full funding and to explore constructively the best accommodation to the local problem. We have appeared before the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario to discuss our concerns.

Along with the other two OSSTF districts in our area, we have attempted to arrange a meeting to discuss solutions to real staffing problems with the coterminous separate school board. However, as implementation of the extension of funding begins its first year, we find nothing is being done to address our concerns and, consequently, the problems we foresaw have appeared.

From the beginning, we realized the decision of the separate school board to establish a small secondary school in Lindsay threatened to disrupt, or possibly terminate, the teaching careers of some of our young, highly skilled and dedicated members. We became increasingly concerned about the careers of these people as we heard Catholic bishops and separate board administrators throughout Ontario express extreme reluctance to accept non-Catholic teachers from the public secondary system and determination to impose unreasonable demands in areas of beliefs and lifestyles on any professional teachers they were forced to accept.

We became very alarmed when we read the program plan of the local separate board. In its section on the transfer of redundant teachers, reproduced in our current brief as document 1 on page 10, it promised public secondary school teachers made redundant by the shift in enrolment as a result of the extension of funding only the opportunity to submit a job application and to be interviewed.

Naturally, we were pleased to read the memorandum issued by the planning and implementation commission on January 16. In this document, the commission not only stated that the separate boards must accept displaced employees but also insisted that those teachers who transferred maintain their contract status, salary and seniority with their new employer.

On February 21, a delegation from District 50, Victoria division, appeared before the planning and implementation commission to discuss the probable effects of full funding on staffing and the inadequacies of the separate school board's staffing proposal. We left the meeting with the feeling that the commission understood our concerns and was determined to enforce its staffing policies. That was important to us, since it was clear by this time that the contracts of at least five probationary teachers would not be renewed. One and a half of those teaching positions were being lost as a result of the transfer of 24 grade 9 students to the local separate high school.

On April 9, the planning and implementation commission, in its written reply to the program of the local separate board, insisted that the board revise the section on staffing so that it would conform with the principles of the commission. The revised staffing policy, 0.713, is reproduced as document 2 on page 12 of our brief.

While the policy statement at the top conformed with the principles of the commission, the procedures advanced to implement the policy still gave to public secondary school teachers made redundant by the shift in enrolment nothing more than an opportunity to apply for positions and to be interviewed. We were dismayed to discover that even though the staffing policy did not fulfil the criteria advanced in the commission's memo of January 16, the commission approved the program plan within two days. In the end, the commission was not prepared to enforce its own rules.

Within the next two weeks, Districts 18, 49 and 50, and the provincial office of OSSTF, filed written protests with the commission. In its reply to District 50's letter, the commission assured the OSSTF that it had contacted Mr. Roach, the separate school director, and had been assured by him in writing that the separate board accepted all of the personnel policy requirements of the commission.

The separate board director may have given that commitment to the commission, but the board did not honour it. Instead, towards the end of May, the separate board proceeded to follow

its own procedures rather than the commission's rules.

**12:10 p.m.**

On May 23, the posting contained in document 3 on page 13, requesting applications for one of three teaching positions at Pope John Paul II Secondary School, was sent to the three public secondary schools. There were four problems with this posting notice.

1. By delaying the posting until the end of May, the separate school board had subjected the redundant teachers to months of uncertainty about the future of their careers. Of course, by delay, the separate board no longer had to accept applications from two of those teachers. They had secured positions with other boards.

2. The separate board did not make available all the teaching timetables at its secondary school. Instead, it produced a timetable for which few teachers would be suitably qualified.

3. No mention appeared in the posting notice to suggest that the position was available only to public secondary school teachers. Indeed, others were going to be interviewed.

4. No guarantee was given that a public secondary teacher, if hired, would maintain his or her salary, seniority or contract status.

Two legally qualified teachers redundant to the Victoria County Board of Education applied for the teaching positions. Both were granted interviews. Neither teacher was offered a position. While one of the teachers was extremely well qualified for the position, highly recommended and a practising Catholic, she was still unacceptable to the separate school board. I am happy to report that later she was hired by the Frontenac-Lennox and Addington County Roman Catholic Separate School Board.

In his announcement of June 12, Premier Davis assured the Legislature that all teacher personnel matters would be addressed in an equitable fashion, yet in the very first year of implementation, none of our redundant probationary teachers has received fair treatment. Three, on their own initiative, had to find positions so they could continue their careers. They have not benefited from the commission's guarantees on salary, seniority and contract status.

A fourth redundant teacher, Mr. John Hannivan, is still seeking work. The unemployment of one teacher may not seem significant, but to that one teacher the loss was a great personal tragedy. It may well be the end of a budding career. He is a victim of the unwillingness of the local separate

board to co-operate and of the commission to enforce its own rules.

Meanwhile, the local separate board, although it has committed similar injustices in the neighbouring counties of Peterborough and Northumberland-Newcastle, is nevertheless receiving full public funding for its secondary schools.

What is the standing committee on social development prepared to do to ensure that the unjust treatment of our members will be corrected this year and that similar injustices will not occur in the future?

When we first read the planning and implementation commission's criteria for the assessment of plans for our secondary school programs, we applauded. The document, which outlined the criteria to be used by the commission in deciding whether or not to recommend to the Minister of Education whether the separate boards' plan for the 1985-86 school year should be accepted and funded, said many of the things we had been hoping to hear. Our political naiveté, however, was soon shattered when the commission chose not to adhere to its own criteria.

Subsection 136l(1) of Bill 30 refers to more guidelines to be issued by the same commission. There is an old proverb that states, "Once burned, twice shy." Let me tell you, gentlemen, we are becoming very shy indeed these days.

What guarantee do we have that these guidelines will be worth the paper they are written on? Is the Ontario Legislature to be asked to make a decision on Bill 30 without knowing what these guidelines entail?

Our experiences of the past year with a coterminous separate board and with the planning and implementation commission have, to a large extent, coloured our view and provided us with a yardstick by which we are now measuring Bill 30. We have seen—indeed, we have had amply demonstrated to us—the sorts of things that can happen when the rules of the game are not specific and detailed enough.

Subsection 136l(1) requires public boards to designate individuals made redundant by the expansion of Roman Catholic school boards. Had the Victoria County Board of Education been required to do this in the spring of 1985, it would have had great difficulty in doing so. The board terminated the employment of five probationary teachers for the 1985-86 school year for a variety of reasons: declining enrolment, the return of permanent teachers from leaves of

absence, and the transfer of students to the separate school system.

To decide which one and a half teachers would be designated from among these five teachers redundant to the system would not have been easy. Most directors of education who find themselves in this position would, one suspects, designate the individual teachers who would be most acceptable to the coterminous separate board in order to avoid having to keep extra teachers on staff because of the provisions of subsection 136l(8). Bill 30 offers no solution to this problem.

Subsections 136l(3) and 136l(4) are easily circumvented. There is nothing in these sections to prevent separate boards from deliberately juggling timetables, using their existing elementary and secondary staff to make sure that the positions offered to redundant public school teachers do not match their qualifications. Also, there is nothing to prevent separate boards from delaying hiring for new positions in the hope that in the meantime many redundant public school teachers will apply successfully elsewhere.

The intent of subsection 136l(8) is to protect the jobs of designated teachers who, for one reason or another, do not obtain employment with the separate board. Nowhere in this section, however, is it made clear whether or not these people are to be kept in addition to the complement of teachers specified by the collective agreement. Unless this is clearly spelled out, other teachers who are not designated will become indirect victims of the shift in enrolment to the separate system. We feel very strongly that not only should no teacher lose his or her job because of the extension of funding, but also that no teacher should suffer in any way.

Subsection 136l(10), like the above-mentioned subsections, is far too general. It does not specify what is meant by "salary." If "salary" is defined as all moneys paid a teacher for his or her teaching duties, then such items as fringe-benefit payments made by a public board on a teacher's behalf and responsibility allowances should be considered as salary and should be specified as such in this section.

Also, subsection 136l(2), while guaranteeing the transfer of contract status, does not clearly state that the probationary teachers should, at the end of the statutory probationary period, receive a permanent contract just as they would have in the public system.

Subsection 136l(19), while highly commendable in spirit, does not adequately protect designated teachers from discrimination on the basis

of lifestyle. This is a very real concern, given the action taken in the past by some separate boards in censuring or dismissing staff members for unacceptable behaviour in their private lives. Designated teachers should not have to sign any agreement regarding lifestyle with a separate board to obtain employment. This should be true not only of designated teachers but also of all teachers with all boards.

Another area in which Bill 30 does not provide adequate protection for transferring teachers is the area of promotion. The word "advancement" in subsection 136l(20) is not necessarily the same thing as promotion. Every time a teacher's wages increase, he or she advances. The word "promotion" here would be more exact.

Finally, we feel that the grievance procedures outlined in section 136m require clarification. For example, who may initiate a grievance? Ideally, any of the parties involved, the two school boards, the individuals affected and the unions or teachers' federations representing those individuals should have that option. All employment practices, both under Bill 30 and under any guidelines, should be grievable. Provisions for paying the cost of the grievance procedure and an appeal procedure should be included as well.

While we in the Ontario Secondary School Teachers' Federation, District 50, Victoria division, are determined to protect the right of our members to fair treatment, we are also dedicated to advancing the right of all students in our community to enjoy educational opportunities equal to those of other adolescents in Ontario. Students in medium-sized composite schools situated in communities with a limited tax base do not enjoy the range of programs and educational services available to adolescents in larger high schools of richer urban areas.

**12:20 p.m.**

Consequently, we are particularly alarmed that the Ontario government is embarking on the new program of full funding only a year after the introduction of the document, Ontario Schools, Intermediate and Senior Divisions. Both these innovations will erode the quality of programs and services in our high schools through the process described in our brief.

If you are insistent upon implementing these measures, then you should be prepared to improve provincial funding for education, especially to the small and medium-sized high schools in the less wealthy communities of Ontario. If you implement full funding without those improvements in educational finance, you

must be prepared to accept responsibility for the fact that future students will not enjoy the programs and services from which their older brothers and sisters benefited.

In our community, the main losers as a result of the extension of full funding will be the students of the new separate high school. The separate board, in its program plans, predicted that the school would eventually have 170 students. That prediction was based on three questionable premises: (1) that it would attract an increasingly higher percentage of Catholic students each year; (2) that all the students would take five years to earn their diplomas, and (3) that no student would drop out. It is our opinion that even if it attains an enrolment of 170 students, the school will still be too small to provide a satisfactory program.

That is not just our opinion. The planning and implementation commission also stated in its letter of April 9, which you will find in document 11, page 30, "The commission is concerned that a viable secondary school program cannot be maintained."

By examining document 7 on page 25, you may readily discover the inadequacies of the school's program for 1985-86. No options have been made available to students. It is too bad if a student wishes to take a technical course; he or she must take typing for the compulsory technical or business education credit. No attempt has been made to acquire optional subjects from the public high schools. The core program has not been offered at all three levels of difficulty. Students who have chosen subjects at the advanced and general levels find they are taking the same classroom instruction. Students who have the ability to study only at the basic level are being offered only two subjects at that level. In the other subjects, they must study with the general and advanced students without much hope of success.

The long-term tentative course plan, which you will find in document 9, page 27, is even more inadequate. Only the compulsory subjects will be offered at the school. Again, they will really be offered at only one level of difficulty. The idea of offering other subjects through co-operative education or correspondence will not work for reasons that we have put forth in our brief.

While we would welcome these students into the public schools to take courses, arranging for development of their timetables will be very difficult. As a result, most separate school students will not receive adequate preparation for

entering university, community college or the working world. For example, a student wishing to pursue a university program in my subject area, history, will be able to study only one history course in his or her entire high school career.

Students will also not be able to enjoy other important experiences at the separate high school. They may obtain only one credit in physical education. Since the extracurricular program will be largely nonexistent, students will not be able to improve their physical fitness during the very important adolescent years.

Perhaps the real differences of the program can best be seen by comparing their course patterns with those of the public high schools of the area as listed in document 10, page 28. If the committee wishes to provide a decent education for Catholic students in small secondary schools, it must be prepared to invest substantial amounts of money per pupil. If it is not prepared to do this, then it must place restrictions on the size of the school it will fund. If neither of these alternatives is acceptable, then perhaps the only other solution might be to offer denominational religious education through the public system.

We realize there are many difficult decisions to be made and many groups to satisfy, but these decisions must be made soon. We ask that your chief consideration when making them be the welfare of our most precious resource, the young people who will one day be the full citizens of Ontario, and just and equitable treatment of the teachers who have dedicated themselves to the education of those young people.

**Mr. Gillies:** I would like to zero in on your concern about your members in District 50, which I can well understand. I might tell you, as one member of the Legislature, one of the reasons I could support Bill 30 was the assurances we had that teacher jobs would not be displaced or lost.

Looking at that, I would like to ask what response you have had to the letters, documents 14 and 15, in which you wrote to the Peterborough-Victoria-Northumberland and Newcastle Roman Catholic Separate School Board. I see your concerns expressed in those two letters, yet we do not have the response you received.

**Mr. Carroll:** In the first letter, we put forward our view of the situation and asked for a reply. If their view was different, we would have liked to have known that. We have never received a reply or even an acknowledgement that the letter was

received and that the information was being gathered.

In the case of the second letter, the one in which we proceeded to ask for a meeting, we have received a reply of sorts. What happened was that Mr. Roach, I believe in the first part of July just before he went on holiday, wrote a letter to the directors of the coterminous public boards—there are three of them in this area, as you will have discovered from our brief—and suggested he would be willing to arrange a meeting with them and the three presidents of the federations involved, plus the president of the Ontario English Catholic Teachers' Association.

As you can see, that is not the type of meeting we had asked for; nevertheless, we were delighted to meet with these people as we thought it could be quite beneficial. Mr. Roach, in his reply, undertook to make the arrangements for that meeting in late August or early September. At this point, we have not received any information from him as to the arrangements for the meeting.

I would not have expected the meeting to have taken place yet, because late August and early September is a very difficult and busy time in the education system as everyone tries to get the school year under way. However, we are becoming concerned that we have not even seen a letter making the arrangements for a meeting, perhaps in late September or early October.

If we do not get a reply within the next week, say, we intend to send another letter asking him to arrange this meeting as soon as possible at a location that is suitable to him.

**Mr. Gillies:** As of today, you still have one member of your district who was displaced from the public system and has not been hired?

**Mr. Carroll:** That is right. The gentleman, Mr. Hannivan, is unemployed. At present, he is getting some employment by doing substitute teaching in the area in which he is living.

**Mr. Gillies:** What was the seniority of this teacher?

**Mr. Carroll:** He was a first-year teacher on a probationary contract; so he would have had a second probationary year and then should have been entitled to a permanent contract.

**Mr. Gillies:** It is difficult to talk about one personnel case. I am trying to wrap my mind around it. Your feeling is that if a suitable position in the Roman Catholic board had been offered to him, he would have accepted it.

**Mr. Carroll:** Yes. He was very sincere when he put in his application. He wanted to continue

his career. I must say he was legally qualified for the position, even this very strange position they offered. It was not one for which he would have been particularly well suited.

Let me explain. In my position as a teacher of history, I am legally qualified to teach mathematics in a secondary school; however, I have not taken any mathematics courses since high school. If I were asked to teach mathematics, I would have a great deal of work to do. I would do it, and I think the students would benefit from my teaching, but you can see that it would not be an ideal situation either for myself or for the students.

Mr. Hannivan would have been in that position. He would have been going into a subject area for which he was not particularly suited. It would have required a great deal of effort on his part, but he was prepared to put forth that effort. After one year in teaching, he definitely felt it was the career he wanted and was naturally upset to find he had been terminated at such an early date.

**Mr. Gillies:** I understand, and thank you very much.

**Mr. Davis:** He was qualified in which subject?

**Mr. Carroll:** I know he was qualified in history. I believe the second area in which he was qualified was English, but I cannot guarantee that is correct.

**Mr. Davis:** What was the coterminous board looking for?

**Mr. Carroll:** They were looking for a mathematics, science, computer and typing teacher.

**Interjection:** You did not happen to have one of those?

**Miss Jack:** We did have one and she did apply, but she was not accepted.

**Mr. Carroll:** This was a person who was not just legally qualified, but was even suited to teaching in those areas. The person was teaching computer studies and some mathematics at our school.

**12:30 p.m.**

**Mr. Davis:** I want to clarify this. It is important for our committee to understand. As I read it on page 13, the coterminous separate school board was looking for one teacher who would teach math and science in grades 7, 8 and 9. In your contract, can your secondary teachers move down to teach in the elementary panel? You have one of those funny ones.

In many cases, the secondary teachers cannot move down; they can go across for a year or two on loan. In Metro Toronto, for example, if you teach elementary school, you teach elementary school, and if you teach secondary school, you teach secondary school. The cross-fertilization of panels is a very difficult thing to achieve. Do you have it in your contract that if you wished, you could go down and teach grades 7, 8 or 9 as part of your contractual right? I do not mean it would be an exchange; could you go down to teach and bump a teacher?

**Mr. Carroll:** I do not believe I can go down and bump a teacher, but I defer to Miss Jack, the president. She is a little more knowledgeable in the area of the contract.

**Miss Jack:** We do not have the provision to bump per se; that is, we could not force an elementary teacher who had less seniority out of a position, but we are legally qualified to teach at the intermediate level.

**Mr. Davis:** I know that, but you do not have it in your contract that you can bump an elementary teacher as some boards do.

**Miss Jack:** No.

**Mr. Davis:** This is for a grades 7, 8 and 9 math and science teacher, a person who is qualified to teach grade 9 computers and typing. You are telling me a secondary school teacher is qualified to teach grades 7, 8 and 9?

**Mr. Carroll:** Yes. I am qualified to teach in the intermediate and senior divisions; that means I can teach in grades 7 to 13.

**Mr. Davis:** As I understand it, when you found you were surplus by a teacher and a half because of the transfer of Roman Catholic students, in essence what happened was that, rather than you designating a teacher surplus to your system, your coterminous board put out this notice saying anybody who was interested and qualified could come.

**Mr. Carroll:** That is right. By that time, the five teachers who were going to be terminated—to put it nicely, their contracts were not going to be renewed—had been informed by the public board that would be the case. However, I do not believe the public board had made their names available to the local separate board, as I guess would happen under the new legislation, although we have indicated there are difficulties in that area.

**Mr. Davis:** Did any other teacher apply from your system who was not one of the five designated or terminated?

**Mr. Carroll:** No.

**Mr. Davis:** It was just out of those five who applied.

**Mr. Carroll:** If you look at what they are asking for here, you can probably understand why none of the experienced teachers with permanent contracts applied.

**Mr. Davis:** What you are telling this committee is that one of the teachers who applied was qualified in computers and typing.

**Mr. Jackson:** And was Catholic.

**Mr. Davis:** And was Catholic?

**Mr. Carroll:** Yes.

**Mr. Davis:** And qualified for grades 7, 8 and 9 math and science?

**Mr. Carroll:** Yes. She also had a letter from the principal commending her as an excellent teacher, which she was.

**Mr. Davis:** Who did the separate school hire?

**Miss Jack:** Someone from Toronto, I believe.

**Mr. Carroll:** We have some problems tracking. I have a list of names here of people they hired into that school, but the school covers kindergarten to grade 9, and they move people around—

**Mr. Davis:** That is, the elementary teachers up to secondary panel.

**Mr. Carroll:** —so you can see it is very difficult to say this is the person who finally wound up with that timetable. I wish I had all their timetables and could go through them and be able to answer your question. I do have the list of people; I believe one came on a transfer from an elementary school in the separate system, two came from Peterborough and I understand three were new people.

**Mr. Davis:** I do not think we can solve this today. It is one concern that has been raised that this committee has to address. I do not know whether this is right—I am learning—but could we ask someone from the commission to look at this and report back in the near future as to what happened and why it happened? It is these kinds of incidents that are creating the kind of scepticism and fear that exists with the public. I think we need to take a look at this, if that is possible.

**The Acting Chairman:** We can ask for that information from the commission; there is no guarantee the commission will provide it. We might also ask the deputation to keep us advised as to whatever it may discover.

**Mr. Davis:** That is a good point. I appreciate that.

**The Acting Chairman:** If you would be prepared to do that, I am sure the committee would—

**Mr. Davis:** If the commission is not interested, or for some reason feels it cannot answer, then perhaps we could ask the Minister of Education (Mr. Conway) for an answer.

**Mr. Carroll:** We would be delighted to keep the committee informed. We hope to have better knowledge as we get a little more time to investigate this. We are also expecting to have that meeting with the separate school director, and we hope to be much better informed once we have talked it over with him. We have not talked to him, but I suspect what he is going to tell us is that they did hire one person out of our system.

That is sort of true. They hired a teacher who was an occasional teacher in the public system. If you are not familiar with the term “occasional,” it applies to the people we commonly speak of as supply teachers. I do not think that was ever intended by the then Premier or by the commission, and that is not what we hope is going to be the case in the future.

**The Acting Chairman:** That is the understanding of the committee as well.

**Mr. Davis:** I was going to say that is our understanding. We will leave it at that, rather than explore it from our point of view. If the commission does not answer, we will move that the minister have an answer for us.

**The Acting Chairman:** The ministry official has agreed to pass this request along to the planning and implementation commission.

**Mr. Davis:** Good.

**Mr. Jackson:** We had some insights into this dilemma during our hearings in Kingston. There was some reference to the boards involved, especially the teacher who went to the Frontenac board, for example. The teacher in question is now currently doing what? Supply teaching for your board?

**Mr. Carroll:** You are referring to the one who is still seeking employment?

**Mr. Jackson:** Mr. Hannivan.

**Mr. Carroll:** Mr. Hannivan married through the summer and is now living in a community where his wife fortunately has a position. He is teaching in that community on a part-time basis—no, he is supplying for a board in that area. He is no longer living in our area.

**Mr. Jackson:** That is an interesting development. The act in its present form, as I understand it, guarantees him his salary.

**The Acting Chairman:** If he is designated.

**Mr. Jackson:** Then he has not been designated?

**Mr. Carroll:** Naturally, because that is a new procedure that came in after all these things had happened.

**Mr. Allen:** I do not want to prolong the presentation or the questioning on this point, but I do have one question. I am almost more concerned about the lack of process and the failure of relationships than I am about the individual concerned. It is the bedding-down of the process that is going to guarantee the future positions, and that is what I am concerned about.

Where was your public board in the midst of all this? There seems to have been the beginning of an agreement and then they seemed to disappear from the picture. Did they ever designate anybody? Did they ever say specifically, "These are the teachers we have lost"?

**12:40 p.m.**

**Mr. Carroll:** I would like to pursue that, because a real difficulty shows up in this area. The Victoria County Board of Education was contacted by the separate school board, as required by the planning and implementation commission. It asked for a meeting, and the meeting was held, at which point the separate school board presented its original program plan.

One good thing that happened was that the Victoria County Board of Education asked our president to sit as one of the members of the committee. One of the things I have a problem with in the upcoming legislation is that OSSTF does not seem to be involved in the process any more.

All was starting out well. The first meeting was held. The public board then prepared its impact statement, as it was required to do by the commission. After that there was a second meeting between the two committees, a committee of the separate board and a committee of our board, and our president once more sat on that committee. All was going well to that point.

You will notice that, as we have said in the brief and in my speech this morning, on April 9 the planning and implementation commission wrote to the separate board requiring that it revise its program plan, which was quite right. They proceeded to do that, and they passed it at a board meeting in late April. They took it to Toronto either on the Monday or, I suspect, on the Tuesday of the following week. It was submitted to the commission, and on Thursday the commis-

sion approved it. On Friday, our board got a copy of the revised plan.

Here the process is starting to break down. If the board was supposed to see and comment on the original plan, surely there was just as much need for it to see and comment on the revised plan. If we had seen the revised plan, we would have liked to have commented on it, but by that time everything had been decided.

That takes us into May. By that time the students had filled out their option sheets, the master timetable had been constructed and these five teachers had been informed that they were no longer needed. At that point there was no Bill 30, so there was no indication from anyone that the public board should be designating anyone. They were just telling people, as they normally would, that their services were not required, for a variety of reasons.

The separate board then, towards the end of May, sent out this posting notice for one position in our system, for one and a half or possibly two positions in Peterborough—I am not quite sure of that detail—and one down in Northumberland-Newcastle. It was open to any teacher to apply.

By the way, I do not have a great problem with that. I can see there might be an opening stage at which they should be allowed to advertise; someone who would like to transfer should go across with all the benefits and we would keep the younger teacher. I think both systems could gain by that.

They posted this one position. Two of our people who did not have jobs wanted their careers to continue. They applied. They went for interviews. They were kept waiting for a considerable time after the interviews before they got letters. The letters came, and they were sorry but someone else got the position.

**Mr. Allen:** We have confronted a variety of situations across the province, and in some cases you are saying there is a sort of no man's land. Obviously, the legislation is there, but it is not passed. Who is to do what? The planning and implementation commission has certain criteria, but they are not fleshed out in great detail.

Some boards have gone ahead and worked out very detailed arrangements with their coterminous boards so you know exactly where you stand at every stage of the process. There are some, like yours, where a beginning gets under way, then the thing falls down in the middle and nothing further happens. That concerns us.

**Mr. Carroll:** We tried to start the process once again, and so far we have not succeeded in

getting to that meeting to start discussing what happened and what went wrong.

**Mr. Allen:** The last question I have is this: Was it ever suggested at any point in the process that it was because these teachers were probationary teachers that they were not being seriously understood to be displaced permanent staff or some such phrasing?

**Mr. Carroll:** We have not had a meeting to hear what the separate board's concerns were. We have reproduced the letter from Mr. Hannivan, because that was the relevant letter. You can read it. It is not very enlightening about why they did not accept him.

**Mr. Allen:** I wonder whether that message has somehow got through indirectly in some fashion, because it raises a question as to whether a board that does not yet have its staff in full-time positions is obligated to treat those probationary teachers as those who would be considered on the designated list under the bill. If that was part of the language, something we need to address ourselves to is the status of probationary teachers.

**Mr. Carroll:** I hope they are going to be protected. You have to realize the majority of the people who are going to be out of jobs as a result of the shift in enrolment are going to be young, probationary teachers. Most of them would be continuing their careers in the public system if full funding of separate schools had not been introduced.

**Mr. Allen:** That is probably true, especially where there will be modest declines and those who are affected will be those right at the very bottom. Where you have big redundancies, those at the top of the seniority scale tend to get on the designated list.

Thank you, Mr. Chairman. I would like to say that life on this committee has not been lonely. I am glad to have had a fellow historian in the room with me for a while this morning.

**The Acting Chairman:** Mr. Clark, did you have something to add?

**Mr. Clark:** Just a comment. We certainly want a process; in fact, we have worked very hard at establishing one. The difficulty is trying to fight an attitude, and we cannot get at the attitude. We have co-operated. We have been told by the commission we should go home and co-operate; we have done that. We are now here attempting to co-operate by trying to resolve the problems locally, and on that basis we are having a lot of trouble.

**Mr. Gillies:** The point the member for Hamilton West has raised is a valid one. I am wondering whether the wording in the bill might not be amended to make specific reference to probationary teachers. I do not believe there is any such reference in the bill as drafted. As a committee, we might want to consider that.

**Mr. Guindon:** My questions are in regard to teacher transfers. First, I would like to get clear whether it has been decided that a redundant teacher who leaves the public school and goes to the separate school stays in his own association or union. Would he be staying in the Ontario Secondary School Teachers' Federation, or would he have to join the Ontario English Catholic Teachers' Association?

**Mr. Carroll:** That is one of the issues that need decision. In our area, if I found myself in that position, I would hope I would be able to retain my membership in OSSTF. Mr. Hannivan is faced with the situation where it is quite clear they do not want him.

If I happened to be non-Catholic and I were going into that system under those circumstances, I would definitely want to have my union, the union I was used to and whose procedures I was used to, representing me. I would be greatly concerned that there would be people there looking for the least excuse to get rid of me. We would hope that would not be the case, but you can understand why a person going to that situation might have that feeling.

**Mr. Guindon:** My second question was just about answered. If you were a redundant teacher and a designated person, would you go to the separate school system?

**Mr. Carroll:** Definitely; but then I would probably have less difficulty, being a Roman Catholic.

**The Acting Chairman:** Do you want to find a non-Roman Catholic teacher here and ask him the same question?

**Mr. Jackson:** I was going to ask whether you knew how to type and how good you were at computers.

**The Acting Chairman:** Since I do not see any further questions, thank you very much for coming before us. It has been of great benefit for the committee to hear the specific problems you have experienced in such graphic detail. We will be investigating your concerns and will be glad to hear from you in the future as to how well you do. Good luck.

The committee recessed at 12:49 p.m.

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From the Canadian Catholic School Trustees' Association:

- Furey, C. F., Newfoundland Representative
- McGrath, F., Saskatchewan Representative
- Meehan, G., President
- Mohan, Father T. F., Alberta Representative
- Volk, J., Saskatchewan Representative

From the Ontario Secondary School Teachers' Federation, District 50, Haliburton and Victoria Division:

- Carroll, P., Provincial Councillor
- Clark, D., President
- Dawson, L., Past President, Victoria Division
- Jack, S., President, Victoria Division
- Michael, B., Private Citizen
- Michon, R. G., Director, Cochrane-Iroquois Falls Board of Education





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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on Social Development**  
Education Amendment Act

**First Session, 33rd Parliament**  
Thursday, September 12, 1985  
Afternoon Sitting

Speaker: Honourable H. A. Edighoffer  
Clerk of the House: R. G. Lewis, QC



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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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**Vice-Chairman:** Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, September 12, 1985

The committee resumed at 2:08 p.m. in room 151.

### EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

**The Vice-Chairman:** Etobicoke Board of Education, welcome to the committee.

### ETOBICOKE BOARD OF EDUCATION

**Mrs. Raymond:** Mr. Chairman and members of the standing committee, I am Mary Raymond, chairman of the Etobicoke Board of Education. This board administers a system of 66 schools in a Metropolitan Toronto municipality of approximately 300,000 residents and we welcome the opportunity to present this submission on what we consider to be the most controversial and most important piece of legislation to come before the Ontario Legislature in many years.

At the beginning of our presentation, we would like to state that the Etobicoke Board of Education has examined the submission of the Metropolitan Toronto School Board and we fully support it.

The standing committee on social development has received a large number of presentations on Bill 30, both positive and negative. In many cases, they have been based on speculative points or have conveyed strongly held opinions.

Our brief differs from these. It is based not on speculation or opinion, but on our recorded experience. Etobicoke's experience has been unique in Ontario. We have experienced the most rapid enrolment decline of any Canadian educational jurisdiction. We have been the only jurisdiction to close four secondary schools. We have been the only jurisdiction that has been forced to close prematurely one of our secondary schools in order to relinquish it to a Roman Catholic separate school system. What we have to share with you, we therefore feel is unique.

Some members of the Ontario educational community have been quoted as expressing concern about the effects Bill 30 would have on communities that have only one secondary school, and members of this committee have exhibited some sympathy for such communities. We would like to draw attention to the fact that

larger urban areas will also experience major problems.

Since its formation in 1949, the Etobicoke Board of Education has concentrated its efforts on quality of educational programming and has earned a national reputation for its efforts. Quality of program is our major concern. In this presentation we want to talk about the effects Bill 30 would have on the quality of education. We believe we are in a position to do so because of the Etobicoke experience and will confine our submission to two areas in which we have acquired special knowledge. These are the effect of declining enrolment on secondary school programs and the community disruption caused by the transfer of a public secondary school to a Roman Catholic system.

First, declining enrolment and its impact on program. The statement on June 12, 1984, by Premier William Davis and subsequent statements by members of the present government have stressed that no action should be taken that will endanger the public school system.

It can be accepted as fact that expansion of public funding to separate schools will result in fewer students in the public secondary schools. The resulting enrolment decline will make it far more difficult for the public secondary schools to provide a full range of quality programs for the remaining students. This is not a matter of opinion; this is a statement of fact.

Etobicoke has already experienced very serious enrolment reduction. An analysis of enrolment statistics shows that the enrolment decrease in our secondary schools has not been due solely to a declining birth rate; it has also been caused by public funding to grades 9 and 10 of Roman Catholic schools and a vigorous recruitment campaign by the separate school system.

It should be pointed out that, historically, publicly funded education in Ontario has consisted of two elementary systems and a blended secondary system. The considerable growth of Roman Catholic high schools has occurred in the last 35 years. In the definitive book by the late Professor C. B. Sissons, *Church and State in Canadian Education*, the author states, "Roman Catholics and Protestants went to school together in Ontario in amity until 1950."

In a further criticism of the newly established Catholic high schools he comments, "The development of Catholic high schools in Ontario was accomplished without any action or indeed any debate in the Legislature and without any discussion of their merits in the press."

Details about the growth and funding of Catholic high schools since 1950 would make an interesting study, both of those whose history goes back many years and who have received funding for grades 9 and 10, and of those more recently established with grades 9 and 10 and the private school grades 11, 12 and 13.

Since 1978, when the Ontario government greatly increased grants to grades 9 and 10 in Roman Catholic schools, there has been an accelerated loss of students from the public secondary schools. In 1971, 36 per cent of the Etobicoke population was Roman Catholic and the separate school enrolment was 20 per cent of the total school population. By 1977, the separate school enrolment was up to 24 per cent of the total.

Since the substantial increase of grants to grades 9 and 10 of separate schools in 1978, there has been a dramatic increase in separate school enrolments, especially at the grades 9 and 10 levels, so that now the separate school enrolment is just over 38 per cent of the total enrolment from kindergarten to grade 10. The figures on the next page illustrate this increase from 20 per cent to 38 per cent.

It is clear that the same acceleration will take place with the provision of new funding. The Metropolitan Separate School Board claims it is now serving 90 to 95 per cent of its elementary students in its high school program. Such a statement would lead one to assume that the extension of funding would not affect many pupils. It is our contention, however, that a significant number of Roman Catholic students now enrolled in the public elementary schools—20 to 22 per cent in Etobicoke—will transfer to the separate secondary system if a repetition of the 1978 trend takes place. In 1971, there was one Roman Catholic secondary school in Etobicoke. Today there are five.

It is our firm conviction that further extension of funding to the separate schools will result in two small secondary school systems in Etobicoke, neither of which will be able to provide necessary diversity or depth of program. Two competing systems will require expensive duplicate financial support from both the provincial and local levels.

Enrolment decline has resulted in great difficulty in maintaining a full range of quality programs in Etobicoke public secondary schools. It has meant that Etobicoke's students have had fewer subject choices in many schools. In an effort to maintain a diversity of program, our board has found it necessary to close secondary schools and consolidate programs in remaining schools, with consequent community concern and protest.

Communities have deep emotional ties to their high schools, which become symbols and centres of local pride and identity. Closing such schools in Etobicoke has been a painful and traumatic experience for students, parents, teachers and citizens. Unfortunately, Etobicoke trustees have had extensive experience in closing elementary schools and I can assure you the trauma is considerably greater when we close secondary schools.

The inception of full funding for Roman Catholic secondary schools would exacerbate the program difficulties and very likely require more school closings and consolidations, a process which we had hoped was coming to an end in Etobicoke. We foresee the same kinds of situations across Ontario if this bill becomes law. If public funds are subsequently made available to private schools, the reduction of programs in public school systems will become even greater.

During the period of Etobicoke's great urban expansion in the 1950s and 1960s, the Etobicoke Board of Education had a mandate to provide secondary education for the entire community, both Catholic and non-Catholic, and faithfully fulfilled this obligation. The subsequent expansion of Roman Catholic secondary schools has created major difficulties.

There have been suggestions that program difficulties created by expansion will affect only rural areas. Our experience shows that these will pose a real peril to urban areas such as Etobicoke.

We would now like to go into more detail, citing specific examples, about the precise difficulties that drastically decreasing enrolments create for secondary schools. The object of this exercise is to point up the very difficult situations in which many Ontario public high schools will find themselves if large numbers of students are siphoned off to tax-supported separate schools.

In today's complex world, our students require many different courses at varying levels of difficulty to equip themselves for advanced education and a wide variety of employment. The day has long passed when Ontario could be

satisfied with a single type of secondary school intended primarily to fit a minority of students for a university education and screen out the remainder to fend for themselves as best they could.

The present-day goal of the Ontario Ministry of Education and the mission of every successful secondary school is to meet the individual needs of students through diverse and high-quality programs.

To match students' needs and their varying abilities and interests, effective timetabling must provide as many educational opportunities as possible: different subjects at varying levels and at all grades.

Decreasing enrolment drastically impairs the ability of a school to timetable for its remaining students. It becomes impossible to provide the number of course offerings and all the levels of difficulty that students require.

Students themselves are faced with serious timetable conflicts as they try to obtain their subject choices. They find that more and more subjects are provided only once per day in only one spot on the timetable. These one-time subjects, or singles, as they are called in high school vernacular, force difficult choices upon students. For example, a student may need both grade 12 chemistry and grade 12 history to qualify for entrance to the college course of his or her choice. Both subjects may be provided only once on the school timetable and at the same time. The student is unable to take both in that school year.

## 2:20 p.m.

Etobicoke has closed four secondary schools. We would like to detail for you what happened in two of those schools as they became smaller and smaller in the years just before they closed.

First, we shall look at Vincent Massey Collegiate Institute, closed in June of this year with an enrolment of 447. Back in 1979 and 1980, this school, which provided academic, business and technical programs, had 1,094 students. It offered 138 subject choices, many at two levels of difficulty. Included were 22 business subjects and 24 technical subjects. Only 14 subjects, 10 per cent of the total, were singles provided in one class at one spot on the timetable. Conflicts were small.

Last year, the school's closing year, the picture was drastically different. Although enrolment had dropped to 447, the needs of those students were still highly diverse; but the school could provide only 97 offerings rather than 138. The number of business courses was down to 12

from 22. There were only 10 technical subjects instead of 24. Twenty-nine of the subject offerings, or 30 per cent of the whole, were in the form of singles, rather than 10 per cent. The net result was that there were far fewer subjects offered and, in many cases, timetable conflicts prevented students from taking the subjects that were offered and that they needed.

Our second school for examination is Royal York Collegiate, a school with programs in academic and business subjects, which closed in 1982. At that time, its enrolment was 345.

We will move back to 1973-74 to take a glance at Royal York during its peak period. In that school year, Royal York Collegiate had an enrolment of 1,122. It provided 129 course offerings at several levels of difficulty. Included were 28 business courses. Only 11 subjects, nine per cent, were singles. The school was able to timetable all but a handful of student choices.

What had happened by 1982, when the school closed? With an enrolment of 345, Royal York had 85 offerings rather than 129. There were only 14 business subjects, rather than 28. In that year, 34, or 40 per cent rather than nine per cent, of the subject offerings were singles, leaving students faced with great numbers of subject conflicts.

There are other not-so-concrete effects from drastically decreased enrolment.

When numbers sink in a secondary school, the school is almost certain to lose vocal music classes; string music classes; the entire shorthand program; machine shop; wood technology; electricity and electronics classes; third languages such as German, Latin, Italian and Ukrainian, and the second and third credits in grade 13 English and French. There are just not enough students taking such subjects to justify the expense of employing teachers to teach them.

Similarly, the co-curricular and sports programs dwindle and disappear. Gone is the sense of excitement, unity and participation that results from games and school shows. There are too few students to support them and too few qualified teachers to coach and direct them.

Of particular concern is the loss of employment-training subjects in the business and technical fields. These subjects need fairly healthy numbers of students to justify them and warrant the expense of sophisticated equipment and highly specialized teachers. In small schools, they tend to disappear.

What we have been trying to demonstrate is the effect that decreasing enrolments, partly due to partial funding for separate secondary schools, have already had on our secondary schools.

If full funding is given to the separate schools, there will be further drastic decreases in numbers for the public schools. All of our secondary schools will be forced into situations in which their subject scopes will be seriously restricted, particularly in business and technical studies. More and more subjects will become singles, offered at only one spot on timetables. There will be more and more timetable conflicts for students and fewer students will be able to obtain the credits they need to fulfil their future plans.

We foresee a situation where, in many communities, there will be two secondary schools, one public and one Roman Catholic. Both will have modest enrolments and neither will be able to sustain the diverse and quality programs needed by their students. All students will be the losers.

Second, I would like to look at the Keiller Mackay experience.

To begin, I might add that I was a trustee in what was then ward 2 in Etobicoke in which both the schools I am going to talk about were located, so these remarks are certainly from the heart.

It appears certain that passage of Bill 30 would lead to closing of some Ontario public secondary schools and the transfer of their buildings to Roman Catholic school boards. What would be the effect of such action on the communities involved?

Etobicoke has been through this kind of experience. It was painful, emotional and divisive. We would not like to see a similar trauma inflicted on other Ontario communities, large or small.

In 1981, as the result of a press and publicity campaign about the fact that students of Don Bosco Roman Catholic High School were forced to attend all their classes in portables, the then Ontario Minister of Education presented to the Etobicoke board a request so strong that trustees considered it virtually an order.

The minister's decision was that the Etobicoke board should, within a stated time limit, close one of its secondary schools in a central section of Etobicoke to make the building available for sale or lease as accommodation for Don Bosco High School. The Don Bosco High School at that time had three grades: grades 9 and 10 publicly funded under the Metropolitan Separate School Board and grade 11 as a private school.

The board complied with the minister's wishes. Because of the time limit imposed, the board's usual community review process for the closing of a school was short-circuited. The board was forced to make a decision as to which

school should be closed. As a result of a survey of all the factors involved, the board decided the school to be closed should be Keiller Mackay Collegiate Institute, on Islington Avenue just south of Highway 401, which had been opened in 1971 and was named for a former Ontario Lieutenant Governor and distinguished citizen of Etobicoke.

Despite the fact that trustees arranged for as much public input as the time limit allowed, the reaction of the Keiller Mackay community was angry and extreme. There were many heated and unfortunate confrontations, including one which police described as a "near riot." There were divisions of the community along religious lines.

Students of Keiller Mackay Collegiate reacted almost violently. A group of angry students marched to the Don Bosco campus and were warned by police, "You were on the verge of breaking the law today, and you could have caused a riot." There was also an angry demonstration at Queen's Park and several disorderly and emotional protest meetings.

A costly and bitter legal action, ultimately unsuccessful, was launched against the board by a parent group. As a result of prolonged and powerful citizen protest, the Etobicoke Board of Education eventually decided to postpone the closing of Keiller Mackay Collegiate for one year beyond the original date. The school was finally closed at the end of June 1983, and the building was opened the following September as Don Bosco High School.

The divisions, resentment and anger generated in the Keiller Mackay situation can perhaps best be sensed through a reading of press clippings for the period involved. A representative selection of clippings from both the Etobicoke and Metropolitan Toronto press is attached to this brief as appendix A.

The purpose of referring to this unfortunate episode is to share it with the legislators of Ontario and to allow it to serve as a warning as to the divisiveness and damage to the quality of community life that can ensue when a board of education is forced to make a decision about the closing and transfer of a school on other than sound educational grounds.

We would like to point out that the decision to close and transfer Keiller Mackay Collegiate was one made ultimately, at least in public, by a local elected body whose members are responsible to the voters at the polls. If public high schools are to be closed on orders of a provincially appointed implementation commission, we fear that reactions could be even more extreme.

The reason for hearings by the standing committee on social development on Bill 30 is to allow citizens and groups to offer suggestions regarding this proposed legislation. The Etobicoke Board of Education does not wish to offer a suggestion. It wishes to make a strong recommendation that Bill 30 be withdrawn. We regard its provisions as divisive and harmful to the quality of education in Ontario. We foresee that it would gravely impair the strength of public school systems through decreased financial support and through inevitable and serious enrolment decline. We have shown the grave difficulties that arise in provision of quality programs when school enrolments decrease drastically.

We suggest that the best interests of all Ontario students and citizens would be served by the provision of one school system serving the needs of all religious, linguistic, cultural and ethnic groups. As elected school trustees, we believe we correctly reflect and interpret the wishes of our citizens. We have become convinced that this bill is opposed by a majority of voters and that it should not become law.

In conclusion, we would like to point out that withdrawal of the bill would not negatively impact the quality of education for any Ontario student. The public secondary school system is available to provide first-class education for all.

**2:30 p.m.**

**Mr. Chairman,** may I end on a personal note? I agree with the statement in our submission that the majority of voters are against the extension of funding. Be that as it may. Beyond this, however, you and your fellow legislators have certain responsibilities. As politicians, in the best sense of that word—I have to include myself as a politician; it often has unfavourable connotations, and that word needs some boosting—you should exhibit wisdom and courage in the predicament in which you find yourselves and not take this regressive action. You should refuse to dismantle a system that has served this province well, a system that undoubtedly has greatly contributed to the relatively happy state of Ontario today.

**The Vice-Chairman:** To say I am amazed would be a bit of an exaggeration, but I am pleased a trustee calls herself a politician. As a former trustee, I know politicians do not like to call themselves politicians. They like to depict themselves as being somehow outside the political sphere. I am glad to hear you call yourself a politician.

I do not think any of us on this committee view the passage of Bill 30 as participating in the dismantling of the public school system. One of the things that has come through loud and clear in the hearings is that we need to put some sections in the legislation that will more clearly protect the public school system. We have all been sensitized even more to that aspect and need of the legislation. I hope we will be able to accommodate some of the criteria that should be in the legislation.

**Mr. Allen:** As always, it is extremely helpful to the committee when presentations zero in on cases, get down to brass tacks and give us details so that we can see more graphically what is happening and what the larger context is.

Perhaps I missed it, but at what point did you reach your maximum enrolment in secondary education at the board and how far had that fallen by the time the Keiller Mackay episode was taking place? How much further is it down at this time?

**Mr. Sauro:** Our peak secondary would be about 21,000 in 1975. In the 1980-81 school year, I suspect it might have been about 17,000. It is currently 13,000. We are anticipating a continuing drop to about 11,000 by 1990.

**Mr. Allen:** You have a major demographic problem in the area.

**Mr. Sauro:** Very clearly.

**Mr. Allen:** You noted that Keiller Mackay had to close prematurely. How much more time would you normally have given it on the trajectory it was on in terms of decline?

**Mr. Sauro:** At the time, the board had a school closing policy. I want to reinforce our chairman's comment. Our school closing policy was predicated on maintaining quality programs. At no time did this board say, "We have to close to save money." We had to close to consolidate to provide a variety of quality programs.

At that time, we had trigger numbers. We would say that when a secondary school offering three programs dropped to about 700, we would initiate a review to ascertain what options might be open. If the school had only two programs, we would trigger at 550.

At the time we received the request from the ministry in January 1981, there were 870 students at Keiller Mackay. It is difficult to say when it would have hit the trigger point.

The politicians, if I may call them that, undertook this exercise with the realization that the demographics were going to clear a school eventually. It was not taken by the politicians at

our board as a divisive issue. It was recognized there was logic in it. They did a careful analysis. Even though the politicians on this board did this in an open and positive way—have a look at those press clippings; the point that is so important is that the board was not being anti-Roman Catholic secondary school—even with that posture, the community reacted that way.

**Mr. Allen:** I understand that. All our communities have been going through the school-closure route and we have all seen the emotions, concerns and campaigns that arise under those circumstances, even when every procedure is meticulously followed. I am grappling with the thought that if you are experiencing declining enrolment and facing closures anyway, sooner or later that kind of episode is going to occur.

What, in your estimation, does the closure process of Bill 30 add—what is its added impact on the community—given that you are going to have an event and it is going to be unhappy and it is going to be emotional? How much more unhappy and how much more emotional will it be under Bill 30 than it would otherwise have been? And will it be more frequent in your case?

**Mrs. Raymond:** Certainly it will be in our case. We have closed four and it was by far the most difficult. If you visualize a small community where the schools were within a couple of blocks of each other, one sitting in a mud field and one with lovely facilities, one with 850 and the other must have had about—was it 600 at that one?

**Mr. Sauro:** It was 860.

**Mrs. Raymond:** No, one had 860 and Don Bosco about 600 or so in March 1981. One group of students was moved from the mud field to the big school and the rest were dispersed about. High school students walked to the other school. It is a very difficult thing for those students.

Secondary schools are more difficult to close because the students are more mature, almost adults. It is also very difficult for the parents, for the community, for neighbourhoods, for neighbours who were getting along great on a street, mixed Roman Catholic and whatever. Those wounds have not healed. We do not talk about it—why open old wounds?—but it is still there.

**Mr. Sauro:** I would like to elaborate on that. We have gone through closings. When communities examine everything and see a sound educational reason to close, sure there is upset, sure there is disappointment. But they actually come to our board and say, "We see we have to

close a school." They usually say, "Do not close ours, but we see the logic of having to close one."

As our chairman put in her brief, it is bad enough when there is a sound educational reason and the community understands it. But in our instance we had to move and close without a sound educational reason and with a viable student body. That made it pretty vituperative.

**Mr. Offer:** With respect to this Keiller Mackay question, as I recall, it was the decision to close the school very quickly that started the problems. Then the closing was postponed almost a year. In that time there were three hearings with the community to explain the reasons for closing. However, the initial decision had been for an immediate closure. Would that not have been the immediate reason for the emotional disruption? If it had been stated when the closure was announced that there were to be hearings, would that not have caused less emotional disruption?

**Mrs. Raymond:** It was in March 1981 that the word came down originally, and the closing was not to be until June 1982. When that announcement was made in March, there would be more than a year before the closing. Then, with the uproar and consternation that ensued, it was eventually extended another year. It was not as if we announced it in March and were going to close it in June.

**2:40 p.m.**

You understand there was also the complicating factor that this was happening during a provincial election. What is the point of having meetings with groups to say, "Look, we have to close a school and I guess these two or three schools in the middle of Etobicoke maybe can slug it out together"? As responsible people, we were told to do it and we named the school.

**Mr. Offer:** I understand what you are saying. I was just trying to get an idea as to the feeling at that time and it seemed, from my perspective, the initial decision to close the school was not made in tandem with a series of community awareness meetings, so the community may have reacted to a much greater degree than if it had been done through a series of meetings. I understand the then chairman of the Etobicoke Board of Education, Mr. Kiddell, was very clear that the closure of the school was for educational purposes.

**Mr. Sauro:** Oh, no.

**Mr. Offer:** When it went to court, did they not think it was done in the best interests of education?

**Mr. Sauro:** You should realize we had correspondence from the then Premier, who had made a commitment to the Metro school board which said, "We will have a school designated for you by June 1981." Then we had a letter from the then Minister of Education who said, "We have a commitment to designate a school by June 1981."

That is the kind of situation in which the trustees of the Etobicoke board found themselves. That is not an educational reason. We had a viable program operating in that school; in every other school in that region there was a viable program operating.

**Mr. Offer:** I am trying to get a clear idea of what happened in that case. Was that particular statement not coupled with meetings with the community and what not? Was that not a possible reason for the huge emotional reaction to the situation?

I am trying to get a sense of it. I am not questioning it, I am just trying to get a clearer understanding. There was a decision by the government at that time and it was then extended—

**Mrs. Raymond:** It did not really work that way. We were to close the school. It was not perceived as the former Premier or Minister of Education saying, "Close the school." It really worked the other way. We, as local trustees, closed the school. I do not know if that helps you any.

**Mr. Sauro:** I can try to help you a little. I have gone through all four closures and I can say that, even when we have the very detailed and careful community involvement and input over the course of an extended period, it is a very difficult process. When you add the religious element, it brings a whole new dimension to the feelings of the community.

**Mr. Jackson:** I would assume you did not have a school closure policy in 1980-81.

**Mrs. Raymond:** We certainly did.

**Mr. Sauro:** Yes.

**Mr. Jackson:** You did. What was the time line from identification to public hearing, or did you amend your policy in whatever form you will explain it, during the course of the Keiller Mackay incident?

**Mrs. Raymond:** We removed ourselves from our policy. We acted outside it.

**Mr. Sauro:** We were requested by the former minister to undertake a unique exercise and not go through the normal procedures.

**Mr. Jackson:** Did the trustees agree with this process when they had a policy that said they should do it?

**Mrs. Raymond:** We went along with it. We felt we were under extreme pressure from the Ministry of Education. We were also given to understand we were under financial pressure to do so and that there would be repercussions if we did not. We were in a vise.

**Mr. Jackson:** As a trustee for nine years, I am quite used to being in a vise on the financial end of it. I am trying to find out where the pressure was going to come in. We are all in the same boat in regard to grants.

Did you have any expansion anywhere in your region; was there a need for capital expansion anywhere within your jurisdiction in 1980? Did you have a capital forecast list with the ministry?

**Mr. Sauro:** Yes.

**Mr. Jackson:** For new facilities or just for renovation?

**Mr. Sauro:** Just for renovation. It works through the Metro school board in Metro so it is a little different. It is not direct to us.

It has to be said—you asked the question directly and Mrs. Raymond will concur—the ultimate decision to do what was done in Etobicoke was taken by the trustees. They made that decision in the context of the environment and the pressures they felt.

**Mr. Jackson:** I will ask you the question directly since you have alluded to it in several ways. Had there not been the issue of the separate school need for the facility you would have had no reasonable problems with the normal closing of that facility? Is it because the Catholics were getting the school that you had your problems?

**Mrs. Raymond:** Because we were closing a viable school with 850 students in it and, as I said before, were turning it over to another 600 who were sitting two blocks away it was more difficult. As we said, we have closed three other schools. None of them is easy. You say you were a trustee. I do not know how much experience you have had with closing high schools; none probably. None of them is easy.

As a trustee, I got piles of letters. I got the nastiest phone calls I have ever had as a trustee. Being Etobicoke citizens, they were not really that nasty, but it was traumatic.

**Mr. Jackson:** I am confused on the 800-odd students. I thought it was 447 on the day you closed.

**Mrs. Raymond:** By the time we closed. The reason we announced it in March—the minister

had asked us to announce it by June—is that when we began to look at those secondary school students they were doing option sheets; some of them were coming up to their final exams in that grade. They were coming up to the March exams and we knew it was going to be a very disruptive period. So we waited until after they were through their exams and then announced which school it should be. We did that in March so they could look at their options for the next year.

In that next year, that September, some people went to the other school. They were going to have to go to it. They were going into grade 10 the next year. They made their move that year. Then when we gave a reprieve of a year some people waited and they went at the beginning of that year. By the time we closed, we were way down.

**Mr. Sauro:** We blocked the grade 9 entry too.

**Mrs. Raymond:** Yes, we blocked grade 9 entry. So it was not a normal decline.

**Mr. Allen:** I want to get back to the educational reason. Would you agree that broadly construed, not in the context of your board, that situation was not the result of an educational reason inasmuch as in one of the publicly funded systems there was a major problem with a high school that was in the mud flats, as you said?

**Mrs. Raymond:** Except that one of those grades, and then ultimately when it went in three of them, were private grades. Grades 9 and 10 were in the mud; grade 11 was a private school in the mud.

**2:50 p.m.**

**Mr. Sauro:** The example we give you is Royal York Collegiate where accommodation was offered to the separate school. We had plenty of room to accommodate all the grade 9s and 10s. The answer was, "We will not take any unless we can have grades 9 to 13." When you say there was an educational reason: we offered them two options; we offered them Martingrove junior school and we offered them Royal York Collegiate. We were also prepared to make room at Richview Collegiate, but none of these was acceptable.

**Mr. Allen:** I accept that. There was, none the less, an educational reason that was part of the whole situation and there were inadequate aspects of the process in a number of respects. The ministry might well have acted vis-à-vis that school and the other board in another way. What I am trying to get from you is, given that in the longer run there was going to have to be a transfer

of some facility, because you would not advise the ministry to build a brand-new school—

**Mr. Sauro:** No.

**Mr. Allen:** You would not have advised it that way. So we are trying to learn from your experience what the best process would have been in that circumstance as you see it. If you were facing that all over again—

**Mrs. Raymond:** The solution is not to have let the school start in the first place, I guess. That would have been one solution.

**Mr. Allen:** That is not easy to advise when you come right down to it.

**Mr. Sauro:** Based on my experience, I would not want to give you any advice on that point.

**Mr. Allen:** Perhaps that helps. That means we are off on our own and we are not getting any advice. We will just have to hack it as best we can.

I want to ask a final question. Is it going to happen again in Etobicoke? You have consolidated in your existing schools. Is your demographic decline such that another one of your schools is going to face the line? Is the movement and growth of the Catholic population such that there is going to have to be a second secondary facility in Etobicoke? Is that part of the plan? What is down the road for you?

**Mr. Gillies:** Before you say it is going to happen again, remember all these clippings, because you will get them again.

**Mr. Sauro:** It is already happening.

**Mr. Allen:** I am sure you do not have to remind him of that.

**Mr. Sauro:** It has already happened. In September the Metropolitan Separate School Board took over one of the other four secondary schools we closed. But that was two years after it was closed.

To be very honest with you, we are concerned that in that geographical area of our city where we have already consolidated to form a good unit, to offer quality programs—we are still offering them as of September 1985—I am not sure what we are going to have in September 1990. By then, if this keeps going, we are going to have a whole section of the city of Etobicoke with a very small secondary school. That is why we are raising the program issue, that is our concern.

**Mr. Allen:** I understand that. Thank you very much.

**Mr. Reville:** Many deputations have represented boards that are in a declining enrolment

situation, but I have not seen developed the argument you make on page 4 and following, that the increased grants to grades 9 and 10 in the Roman Catholic schools actually accelerated that decline. As I look at your statistics on page 5 there is no question your percentage enrolments are going like this, but it is hard to tell from these gross figures what portion of that you would identify as being by virtue of the fact the grants were increased to grades 9 and 10 of the separate school system.

**Mr. Sauro:** That is a good point. It is very difficult to be specific because we cannot backtrack that. All we can say to you is that from 1971, when the total was 19 per cent, it went all the way to 1977 and increased only five per cent.

**Mrs. Raymond:** The total Roman Catholic population increased only five per cent while that was going on.

**Mr. Sauro:** Then grades 9 and 10 were given weighting factors. From that point on, there has been a dramatic acceleration. True, there has been a demographic increase in Roman Catholics in our community, but when you go from 24 per cent of the 36 per cent versus 38 per cent of the 44 per cent, that is a significant increase.

**Mr. Reville:** I do not dispute that. You will acknowledge that it is difficult to pull out of these figures precisely what has happened. You indicated there was a five per cent increase in Roman Catholic adherence in your community. Over the period, public school enrolment declined by about 26,000 and separate school enrolment increased by about 3,000; both are dramatic shifts in terms of the base numbers. It would be fascinating to find out precisely what the shift was, but perhaps those data are gone for ever.

I am sure you will agree that is the problem you are now facing. I am sure you must have difficulty in trying to determine the retention rate at grade 8 and the retention rate at grade 10. That must make planning difficult for you.

**Mr. Sauro:** There is also the recruitment rate at junior kindergarten.

**Mr. Reville:** I have been aware of what is called recruitment in my own community and I have seen the sudden increase in enrolment at certain elementary separate schools. Are you suggesting that recruitment is wrong?

**Mr. Sauro:** I am sorry. The connotation of the word "recruit" was not intended to be putative or demeaning. I should perhaps have used the term "enrolment rate." I think we have a distinct disadvantage in being able to convince Roman

Catholics to attend our system. Any principal in our system would be pleased to outline to you the numbers of occasions when families have withdrawn from our schools with tears and great sorrow because they had been told they had to.

That happens. We do not have that kind of clout, as you know. I did not mean "recruitment" in that way. I just meant that Roman Catholic families now will make conscious different choices if this moves ahead.

**Mr. Jackson:** You have had an opportunity from your unique experience to read the act as it relates to the transfer of a facility.

**Mrs. Raymond:** Is that Bill 30?

**Mr. Jackson:** Bill 30. Do you have any advice regarding the process as currently set out in the act, which is what we have to amend? It calls for the planning and implementation commission becoming involved, and the tribunal being appointed. Do you have direct comments for us in that area?

**Mrs. Raymond:** I do not think I have any advice to give you.

**Mr. Jackson:** Then without being specific, let us talk in general political terms. When I quizzed the minister on this issue of transfer and compensation, he stated that he, as the elected individual, would be ultimately responsible and would decide on matters of compensation and, ultimately, transfer.

I raised a question with the minister about him being the only elected individual in the process. Can I entice you to respond on the basis of where elected people should be involved in the process?

**Mrs. Raymond:** I think we are too early in the process to get into that discussion.

**Mr. Jackson:** Is your reluctance to respond because of the delicate nature of the situation in your own jurisdiction or is it because you genuinely do not have anything that could be helpful to us?

**Mrs. Raymond:** Keiller MacKay Collegiate was closed for two years and now, this September, is having a Roman Catholic high school in it. That was done on the same basis as if June 12, 1984, had never happened.

**Mr. Sauro:** I will respond to Mr. Gillies.

**Mr. Jackson:** I am Mr. Jackson.

**Mr. Sauro:** I apologize, Mr. Jackson. I feel so strongly that this legislation is wrong, wrong, wrong that I even refuse to read it, so I do not know what it says about transferring the schools.

**Mr. Jackson:** With an attitude like that, I am not surprised you get ministry memos the way you did in 1981.

3 p.m.

**Mr. Sauro:** I am an educator. I am concerned for the quality of education for the people of this province. That has been my entire career. I have devoted my entire life to it and I think I know something of what I am speaking when I say this is wrong for the young people of this province. I am not categorizing according to religion, linguistic background or anything else. I think this is wrong for the young people of the province.

My concern is not for my children today but for my grandchildren. My children, fortunately, have had a good education in this province. I want the same for my grandchildren.

**Mr. Jackson:** I do not wish to disagree with your point of view; it is the point of view we have heard loud and clear throughout the community.

I am, however, again as a trustee who worked with the director of education and some of the best in this province—as you know, I was from Halton—I am wondering how helpful you are to the process with the position that you are completely unwilling to examine the bill from the point of view of working to assist this committee in finding some badly needed solutions. You have brought forward to this committee a situation which, at best, may be called inflammatory, and yet we are seeking some assistance from you. We need that assistance. I hoped you would approach us with that in mind.

**Mrs. Raymond:** We said—

**Mr. Sauro:** We have given you our board's position.

**The Vice-Chairman:** Thank you very much for coming before us. You can see the difficulty we have. We just closed a school back in my home area that had 850 students. The position of the board there was that 850 students did not constitute a viable high school. So viability is in the eye of the beholder, and how to get some criteria in the legislation to help us with that aspect could be very difficult.

If, at some point, you have any helpful information on how we should describe viability in the legislation, please feel free to pass it on. You do not even have to sign it if you do not want to associate your board with our problems.

**Mr. Reville:** Sign it for the Minister of Education.

**Mr. Sauro:** Thank you very much.

**Mrs. Raymond:** Thank you.

## RIVERCREST HOME AND SCHOOL ASSOCIATION

**The Vice-Chairman:** The next presentation is from Rivercrest Home and School Association. There are two exhibits associated with this. One is 365 and the other is 630, which is an amendment to the original brief. Sorry, am I wrong?

**Mrs. Kingsley:** It is exhibit 630 with an amended page 3.

**The Vice-Chairman:** Welcome to the committee. You may proceed at your convenience.

**Mrs. Kingsley:** Mr. Chairman, and members of the committee: on my right is Kathy Twynam, president of the Rivercrest Home and School Association; I am Helene Kingsley, fundraiser.

The home and school executive of Rivercrest Junior School would like to take this opportunity to make these comments and to present this brief for your consideration.

The members of our home and school association are extremely angry and frustrated with the way the government has proceeded with the Roman Catholic separate secondary school funding issue. Before any moneys were promised or given, proposed legislation should have been proven constitutionally valid.

It has been stated by the Liberal government that \$360 million will be spent by the 1987-88 school year, and \$150 million every year thereafter.

In these times of great economic restraint, why is the government in such a rush to spend millions of tax dollars? We recommend that no funding be provided pursuant to Bill 30 until all public hearings have been completed and recommendations incorporated, and until it has been ruled constitutionally valid by the courts.

At the time of Confederation the populace was 95 per cent British ethnicity. That figure has dropped dramatically; to 34 per cent by 1981. Laws that came into effect more than 100 years ago regarding separate school rights should not, in all fairness, be applied to today's society.

We strongly agree with Dr. Bette Stephenson's statement of October 11, 1983, when she said:

"In this context, I think it is important and necessary to reaffirm the general merit and the value of a universally accessible, publicly supported school system; a system which I believe contributes to consensus and is a countervailing force against social fragmentation.

"In a pluralistic society such as ours, which can be characterized as multicultural, multira-

cial and multilingual, a shared educational experience is important in fostering a common culture. Unity through shared experiences can be a countervailing force to factors which split and fragment society. Indeed, the school system may well be the only common noncommercial learning and socializing experience for our young people."

We fear that Bill 30 will deny all children the opportunity for a shared educational experience. Before we fragment the existing school system even further, now is the time to re-establish clear goals within our Education Act. We recommend a full study, possibly by a royal commission, of both publicly funded school systems and the existing Education Act.

Section 1360 of Bill 30 is the one that has caused us the greatest concern, and at this time we are addressing this section only. This in no way means we condone the rest of the bill. We feel the rights of a student or parent to choose any school that is supported by public funds must be insured. Therefore, we recommend that subsections 1360(1) and (2) should read:

"(1) A person who is qualified to be a pupil in a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board.

"(2) A person who is qualified to be a pupil in a secondary school operated by a Roman Catholic school board is entitled to be a pupil in a secondary school operated by a public board."

Subsections 1360(3) and (4) are acceptable and subsections (5) and (6) should be deleted.

Subsection 1360(7) should read: "A Roman Catholic school board should exempt from programs and courses of study in religious education any pupil making such a request, or if the pupil is a minor, to the parent or other person who has lawful custody of the pupil."

Subsections (8) to (15) would no longer be required if the above changes were implemented.

You will find attached a copy of the policy paper passed by our members in January 1985. Our concerns and the questions we raised are still unanswered. I will now read that policy paper:

"The members of Rivercrest Home and School Association would like to express their concerns about the proposed full funding of the separate schools. We are concerned about full funding for the following reasons:

"(1) By fully funding separate schools, the government is undermining our public school system, which has openly served all elements of our society with top-notch education throughout the last century. The impact of full funding will

have an immediate effect on our public schools. Several families have already transferred their children out of our junior school to the local separate school in order to facilitate their admission into the local separate high school.

"(2) It is not fair that Catholics, who make up a large percentage of our population, are given publicly funded separate schools reserved for them alone, especially since they are no longer a fledgling minority, as they were at the time of Confederation. Our Bill of Rights discourages discrimination, but separate schools discriminate against non-Catholic students, secretaries, janitors, teachers, etc. on the basis of religion. Present-day Ontario is not exclusively Christian but contains a large variety of other religious groups. Not one of these groups is accorded the privilege of publicly funded separate education for their children.

"(3) Financing a dual school system is substantially more expensive and inefficient than the educational needs of our province dictate. It is an absurd situation when a public school and separate school exist side by side with identical academic curricula but the separate school needs half a dozen portables and the public school has half a dozen closed classrooms. Millions of tax dollars could be directed to other areas if the two school systems were amalgamated. Rather than creating an exclusive school system to serve Catholics alone and an anaemic school system to serve everyone else, it makes far more sense to build one dynamic public school system which is open to everyone.

3:10 p.m.

"(4) We feel that until such time as the question of the legality of the proposed extension of the funding is determined, the government should put a freeze on the implementation date of September 1985.

"We know that the route of amalgamation will not be easy. However, we believe that our 'dual public school system' can be integrated in such a way that the needs and fears of separate school supporters are satisfied. We also sincerely believe that amalgamation is in the social, education, economic and political interests of our province and nation."

We hope the government will take action on our recommendations.

**The Acting Chairman (Mr. Reville):** We appreciate how short and to the point you have been.

**Mr. Jackson:** It is a pleasure to have a home and school association or parents association address specific language in the bill. That is

always very helpful to us. In that regard, I want to thank you. I will have to review that in a little more detail, as you have gone through that entire section.

My question is about the letter you just completed reading. What responses were generated from those who were carboned?

**Mrs. Kingsley:** Is that the last letter I just read?

**Mr. Jackson:** Yes.

**Mrs. Kingsley:** I did not hear the last part of your question.

**Mr. Jackson:** What kind of response did you get to that letter?

**Mrs. Kingsley:** From whom?

**Mr. Jackson:** From Miller, Norton, Grossman, et al.

**Mrs. Kingsley:** The usual letters acknowledging they received it.

**Mr. Jackson:** When was that letter sent?

**Mrs. Kingsley:** It was in January 1985.

**Mr. Jackson:** Have you had any further correspondence, given the results of the election and/or the change in government?

**Ms. Twynam:** Yes, we have. With the change in government, we sent letters enclosing copies of this, which has since become the policy of the Rivercrest Home and School Association. This is more than just a letter now, because it has been overwhelmingly endorsed by our home and school association members. We have corresponded with the new government, with the successive governments as they moved along, and we have received replies along the same lines, just acknowledging our interest in the issue.

**Mr. Jackson:** Has it been communicated to your membership that you got a nonanswer?

**Ms. Twynam:** Yes.

**Mr. Gillies:** As my colleague has indicated, I very much appreciate the fact your association has taken such a hands-on approach to this. Clearly, from reading your brief, you have both read and understood the bill. We have very recently heard at least one delegation say it did not.

My question is in regard to the last paragraph of your presentation. If you have any ideas as to how a dual public school system could be brought about such that it would satisfy the fears of separate school supporters and parents I would very much like to hear them, because I fear it could not be done without considerable dislocation, perhaps analogous to what we are going

through now only with the coin being on the other side.

**Mrs. Kingsley:** I think we could offer religious classes conducted in a variety of ways. Given there are so many different religions, we could operate on a rotary basis by qualified teachers of the same faith; or extracurricular classes could be offered on the school premises by recognized church leaders, or we could even offer optional religious courses on a credit basis. There is a variety of ways that could be done.

**Mr. Gillies:** You would have one board, one administration, one teaching staff and one curriculum, but with certain options that might be of interest to one or other denomination?

**Mrs. Kingsley:** Yes, I suppose so.

**Mr. Allen:** I appreciate the brief from the Rivercrest Home and School Association and the concerns you have brought before us.

If I might digress for a moment—I meant to say this when the members of Etobicoke board were presenting their brief—but I have apologies from their member, Mr. Philip, who was surprised to find himself with a dental problem yesterday. It began to give him some difficulty and he has had to see the dentist. He was planning to be here to hear your brief.

Returning to the brief we now have before us, in response to Mr. Gillies' question you alluded to something that has come up reasonably frequently from a number of delegations, and not just those representing the public sector but francophone and Catholic groups as well, and that is the question of offering religious options in the public secondary system.

If I could ask you to be frank, are these arising in your case as a sort of tactical and strategic proposition to maintain the attractiveness of the public system for Catholic students, or is there in point of fact a substantial body of parents, for example from your own school community, who genuinely would like to see a series of religious options, such as world religions or what have you, as a study option in the secondary school system?

**Ms. Twynam:** We cannot tell you we represent that particular point of view because what was endorsed by our association for us to present here is what is included in the brief. We cannot say yes, our members agree they would like to see religious options offered, because it is not something we have—

**Mr. Allen:** I am not really asking you for a formal representative opinion, but do you have a

sense there is a genuine interest in that kind of option or is it never discussed?

**Ms. Twynam:** It has not been discussed, frankly. That is something we have not talked about.

**Mrs. Kingsley:** No, it has not been talked about at all.

**Ms. Twynam:** As an executive committee we have not discussed that.

**Mr. Allen:** Certainly a number of boards have come before us and said, "As directors we have wanted this for some time." One has the sense they were speaking out of a community concern, but we have not always asked them whether that was the case. As parents, you might be closer to the grass roots in that respect.

The other question to which I wonder if you could respond involves what you are proposing with regard to section 1360 concerning the complete transferrability of students from one system to the other: are you also suggesting you would like to see a system where possibly at some point you could become yourselves Catholic school supporters, pay your taxes in that direction and vote for the Catholic school board? Have you carried your thinking that far along that line?

**Mrs. Kingsley:** It should be open. This is publicly funded.

**Mr. Allen:** Should parents be able to move, too?

**Mrs. Kingsley:** Yes, whatever we choose. If it is a publicly funded system, I think it should be open.

**Mr. Allen:** In suggesting that, are you aware of the nervousness of the Catholic community, which has of course sponsored, fought and worked for its schools, of having non-Catholics showing up in significant numbers, and not just paying their assessments but also being on the rolls to vote and become trustees?

**Ms. Twynam:** I think what we are representing here is the point of view that all the education money should go into the same pot. Would you say that?

**Mrs. Kingsley:** Yes. We are concerned with education and that it should be open to all.

**Mr. Allen:** You are consolidating, period; that is your big objective. Thank you very much.

**The Acting Chairman:** Could you tell the committee if it would be correct to assume Rivercrest school is kindergarten to grade 6 or is it kindergarten to grade 8?

**Mrs. Kingsley:** It is kindergarten to grade 5.

**The Acting Chairman:** Has your association ever had to discuss or been interested in discussing whether your school should be K to grade 8? Have you gone through that kind of exercise? That was popular a few years ago.

3:20 p.m.

**Ms. Twynam:** We have not done that sort of exercise on its own, but we have gone through the review process and have had one of the junior schools in our area close and consolidate with Rivercrest. It may have been discussed a bit during that report to the review committee, but I do not think it was seriously considered because of the middle-school system. Etobicoke has had a middle-school system for many years and I think has wanted to keep it as much as possible.

What happened was the middle school in our area has incorporated itself into what was once West Humber Junior School and has now become kindergarten to grade eight.

**The Acting Chairman:** So there is a lot of consolidating going on in your area.

**Ms. Twynam:** Yes.

**Mr. Jackson:** I have a supplementary to the chair's question.

**The Acting Chairman:** Please ask it.

**Mr. Jackson:** Thank you. I was intrigued by your statement, and I quote from your letter, "Several families have already transferred their children out of our junior school to the local separate school in order to facilitate their admission in the local separate high school." You clarified the context, and the time in which that was written was January 1985.

On what basis can you make the statement that you have observed the departure of Catholic children from a kindergarten to grade five system? Did the initial pronouncement on separate school funding fuel that, or was it because of the local demographics and a consolidation atmosphere?

**Ms. Twynam:** Are you asking why these families left Rivercrest basically, or whether we know of the reason they left Rivercrest? Is the latter your question?

**Mr. Jackson:** Yes. First of all, you have to be in a position to have identified them in order to make the statement; and then you qualify, or you draw the conclusion it is because of full funding. Based on your response to the chair I feel, knowing what I do know about the way families and children transfer from schools, that a

consolidation atmosphere has a lot to do with a change in schools.

**Ms. Twynam:** I do not think we intended to imply the reason these families withdrew their children from the public junior school was due to the imminent funding of the separate school system. That is really not what we have to say. What we are talking about is the ability of the children in the families, once they reached high school age, to easily attend the separate high school. Whether or not the children would have attended only for grades 9 and 10 and then dropped out if they were not funded, is not something we were discussing and it is not even something we know.

From what we know of the families involved, the reason they were withdrawn was to more easily facilitate the admission of the oldest child, who was almost ready for high school, into the separate high school. Because of the tax system, it was necessary to remove not just one child, the oldest child, but the entire family, although in each of these cases the family would have rather retained the younger children at the public school.

**Mr. Jackson:** That makes a lot more sense; it is clearer now. Although this committee has heard many examples of senior public schools and the transfer, to date I do not think we have heard of a junior school or a primary division transfer as a result of the funding. That is why that paragraph intrigued me. It makes perfect sense as you now put it, given that we know for a grade 7 or 8 student, because of the assessment, it is easier to transfer.

A final clarification: you mention the discrimination for non-Catholic teachers, and for secretaries and janitors. Are you aware of a somewhat famous court case which ruled that religion is not an issue for purposes of transferring or for hiring of those personnel who are not directly involved with teaching?

**Ms. Twynam:** No.

**Mr. Jackson:** So that is really no longer an issue. It has become recognized in legal and educational circles that whatever problem may exist in the transfer of teachers on the issue of their religious status, it does not exist for secretaries and janitors because of their limited contact or because they are not there to interpret the curriculum to the student. I just thought I would clarify that. You make, in your own mind, a valid point. I just wanted to clear those two points.

**The Acting Chairman:** Thank you for taking the time to appear before our committee. Perhaps

you would convey our appreciation to the members of your association.

MICHAEL STREMBITSKY

**The Vice-Chairman:** Our next presentation is from Mike Strembitsky from Edmonton, Alberta. Thank you very much for coming a long distance to talk to our committee. We very much appreciate it.

**Mr. Strembitsky:** Mr. Chairman and members of the committee, I have several observations by way of introduction. I really did not appreciate the emotion connected with the issue until I arrived here. On the other hand, I am sure you will find there are some parallels with where we find ourselves.

I also note that the language is quite different. We refer to members of our provincial parliament as members of the Legislative Assembly and my title is that of superintendent of schools, which is the equivalent of your director. I am a chief executive officer of the Edmonton Public School Board.

I thank you for the invitation. It is by invitation that I appear before you and, as such, I hope I will be able to share with you some experiences from the Alberta scene, which is different, although there are some parallels. I speak to you today from conviction as an individual and as an incumbent of the position that I occupy into my 14th year as superintendent of schools and 30th year with the school jurisdiction.

To state the obvious, I am not here speaking for my board—although it is certainly aware I am here and would respect my right to speak my piece in this group as much as I would with the board itself—nor for the ministry. Our relationships are very positive and constructive. That does not mean we do not disagree on issues, but we do have a tremendous communication with the ministry within the province. Of all the things I am not going to do, the last is that I am not here to tell you what to do, because you make your choice and you live with the consequences. I hope that, based on our experiences, you may gain some insight into the consequences of some of the decisions that are made. We obviously cannot have everything.

By way of background, we have two school jurisdictions publicly funded in Alberta, or provision made for them. Every jurisdiction has a public jurisdiction with a provision that a separate one can be set up under the law by petition. That can be either Protestant or Catholic. In actual practice, separate districts are Catholic districts, although there are several

significant exceptions. I do not mean to offend anybody if I use the words "separate" and "Catholic" interchangeably. I am not being factually correct, but that is the way I will refer to it because that is what has happened in practice.

The Edmonton public school jurisdiction has 70,000 students. We are about one sixth of the province's population and operate out of 190 locations. Three things characterize that school jurisdiction. First, every site is a unit of operation regarding management, budget, involvement of parents and everything else, more so than any other school jurisdiction on the continent. It has been that way system-wide for six years.

The second characteristic is diversity. Apart from the obvious, elementary and secondary programs in academic, business and vocational, we run bilingual programs in eight languages. We have taken on the Hebrew school. It had been a private school for better than 60 years, but has been a public school program now for some eight years.

**3:30 p.m.**

We run school programs outside the city. We run school programs in the provincial jail, in mental institutions, in regular hospitals, rehabilitation hospitals and mental hospitals; so we are a pretty free-wheeling bunch.

In addition, within the school's jurisdiction we have a virtual flow-through to any location. For all intents and purposes we do not have any boundaries, and we have more than 10,000 out of the 70,000 youngsters cross what would have at one time been boundaries every day. Leaving one school and going to another is as easy as leaving one department store and going to another. You do not need permission, you do not need dispensation or anything else. That gives you some idea of our kind of system.

It is not a typical Alberta school system. Many of us face the same problems. We have reacted in different ways. Our jurisdiction has chosen to go a particular way, and so the things I talk to you about I would like you to interpret in that light.

With respect to the separate schools or the Catholic schools that are provided for in Alberta, these are based on faith, not on choice. The law with us is not if you are a supporter but what is your religion? In the case of this one question, it has been established that we do not violate any part of the Constitution or the Charter of Rights. That is because there is a Catholic separate district as well as the public district. We can legally ask people whether or not they are Roman Catholic. That is the basis. If you are Roman

Catholic your taxes automatically flow through to the Catholic system.

There is in this respect—and I will touch on it later—a great deal of confusion, and I believe a lot of it very deliberate. It is not a matter of, "Which jurisdiction do you support?" It is a matter of, "What is your religious faith?" and it is the parents' religious faith that determines where the taxes go.

The legislation that covers the provision for religious instruction is the same for all schools in the province, public and separate. I will not deal with private schools, which are another category. The legislation provides for religious instruction in the last half hour of the day. As we move into larger schools and specializations and so on, that has given us some real difficulty because we believe the original intent was truly that it be the last half hour of the day before students went home. In our case, with so many youngsters, it would help us if we could offer the last half hour of the morning, as well as one or the other, but the law is the last half hour of the day, and it applies to separate schools as well as public.

The next part is within the province. Both separate and public schools are governed by the same programs, which are provincially approved, with a provision for local option to develop courses of study that are approved by the province and now regularized into a five-year sequence. You get approval for five years and then you can get reapprovals, but programs other than that are provincially approved.

With the funding by the province, over the years we have moved in the direction of attempting to provide equal funding per child to the school jurisdictions in the same geographic community. I am generalizing, and as such run the risk of being in error in the margin. That means that if the funding available to a child in a Catholic school district is less than in the public, the effect of the provincial programs has been to try to compensate for that shortcoming. I am dealing particularly with the local assessment. The province would not only provide money equally, based on provincial programs, but also attempt to make up the shortfall that was experienced because of the local assessment.

That is within a geographic community. The province has shown itself to be far less concerned about the fact that there may be a difference in the tax base between two communities—one could use North York, Etobicoke or any of the others—so that we have more differences in assessment per child once one crosses the

boundaries of the city into the next jurisdiction; that has been the effect within it.

They have done this in many different ways, such as by grants to small jurisdictions. Because most of the Catholic jurisdictions are smaller they tend to qualify, whereas the public jurisdiction does not qualify where they give money so much per jurisdiction. The impact is to give more money to the smaller one. They also give more money based on the wealth of a jurisdiction, which again is the matter of a supplementary tax base.

They would get higher funding or provincial support for the first school built in a square mile. Because the Catholic population tends to be smaller, we would likely build three schools in that square mile whereas they would build one. They tend to get higher funding and various things of that type designed to provide equity, in this case defined as equality, in support of the students.

That is enough for the background. How does it work and how well does it work? This is subjective. First, it does work. We trace back the two school systems to the Northwest Territories ordinances incorporated in the Alberta Act of 1905. We have accepted that it is a constitutional thing and we work together.

An example of that is that there is a lot of flow-through of students in the system, and this is something that has never been resolved in a way that is well understood. There has been a kind of truce on that. According to figures supplied by the separate school district to the ministry last year, it has about 1,500 students who are public school students and it claims we have about 4,000 of its students. I will explain shortly why I cannot give you the figures for our jurisdiction.

We co-operate in interschool athletics and busing. Busing would be extremely costly to the separate district if it attempted to provide exclusive bus service. This applies for both what we call school buses as well as the use of city buses. We do most of the administrative work for them.

We meet. I am fascinated when I talk to my colleagues who speak about meeting with the superintendents of the separate districts on a great number of occasions. I seldom meet with the superintendent of a separate district for operational problems. Most of those meetings now are at the level of busing people dealing with busing people. There is interschool athletics and so on. My meeting with the superintendent of the separate system is more likely to be at what we

call a metro meeting with the superintendents, both public and separate, who live in Calgary. We meet once a month.

Our boards tend to meet once or twice a year to discuss common issues or items they will take to the ministry. Sometimes it is more often, but it is usually once or twice a year.

Those are the things that do work. Some of the areas have problems and I would like to outline them, going by the Alberta scene. The first problem is taxes, the second problem is taxes and the third problem is taxes.

### 3:40 p.m.

We raise about one third of our taxes locally, and about two thirds come from the province and the city of Edmonton. Within that, we have residential taxes. I have explained to you that those taxes go directly, based on the religion of the property owner.

Next, apart from residential taxes we have corporate taxes. Do not forget that corporations can own residential properties, which complicates it. You cannot divide the world neatly into residential and corporate, so that does complicate it. Within the corporate structure, some of the corporations have a religion and religions are easy to determine. According to us, those taxes can be designated directly based on the religion of the corporation and a declaration from that corporation. This is easiest in the case of a family corporation.

On the other hand, with a corporation such as the Hudson's Bay Co. or Canadian Pacific Railway, you start running into all kinds of problems. At one time we had legislation that said unless you could prove the religion of the corporation, the taxes went with the public system. Later on, legislation was passed which allowed the Catholic system to petition the corporation in the same ratios as the student body. You could file a notice in any one year. The Catholic system could file a notice by December 15—that was the law—and if the owner did not object within a two-week period the company appeared on the rolls in that ratio.

There is a lot of bad feeling connected with this, because the legislation was connected with the gamesmanship involved in attempting to get a larger or more equitable tax base. To give you an example, those notices might be served in July but we in the public jurisdiction do not have to get our notices until December 15. So all of these notices could be served on the jurisdictions all year long out of an assessor's office working for the Catholic jurisdiction. They would give us all these notices—usually about 3,000 of them—on

December 15 and we would then have to get in touch with people and tell them they could object to this. The letter did not tell people they could object and make it null and void.

We would get these notices on December 15. We would have difficulty reaching people. In our climate, December 15 is a time when the officers of a lot of corporations are out of town. When they got back into town, they found it was too late, their taxes had been directed to the separate system.

This is a personal aside. As a person who was an owner through a family company, I found myself having been served and my taxes going to support the Catholic system 30-70. Thank God for a very understanding board that did not hold this against me in the sense that my religion was not of the Catholic persuasion, nor was that of the corporation.

If you objected after the two-week period was up, that objection took effect the following year. But for that year your taxes were assigned. Unfortunately—and I say unfortunately because what the government was trying to do in many ways had a very logical basis to it, but resorting to the date on the calendar left a pretty bad taste all around on the part of many people—the tax problem is still a bad one with us.

An amendment was made in 1970. At one time, everybody in a jurisdiction was either separate or public; if you were not a Roman Catholic, you were public. In 1970, the government passed an amendment, subsection 59(2), to the Alberta School Act by which certain of the groups who were neither Catholic nor Protestant had the option of election. These were, in particular, the Hindus, the Muslims, the Hebrews—and there were some others—and it introduced a new category. The reason I bring this up is that it shows the flow of students. For the first time, we had a category of students that could attend either system and the taxes could be designated by this one group.

But when dealing with the students, and you get back to taxes immediately, the position of the Edmonton separate board over the years has been that it got five per cent less in taxes than it had student body. Therefore, they kept pushing the government on every occasion, in an organized way, for five per cent more of the split on an equity basis.

Our board took the opposite tack, which was that we had five per cent more of the money, so we would welcome the students. We passed a policy by which the fees—what we call nonresident fees, and I take it you would have the same

here—would be waived for anybody living within the city of Edmonton. If somebody from the Wetaskiwin County Board of Education or Calgary or Edmonton wished to attend a school, they paid nonresident fees, or their jurisdiction did if the jurisdiction sponsored them. But, if you lived in the city of Edmonton and were not sponsored, you could come to a public school without the payment of fees.

The end result of this is we have had quite a few students who have come from the Catholic system to the public system. We do not know how many because since that policy was passed in 1977, we no longer ask the religion of parents of any child in the jurisdiction. Anybody can come to a public school. Note that if a child from a Catholic family comes to the public schools, we do not ask for the religion. The taxes do not follow. We do not chase the taxes because the taxes are designated by religion and that is the basis of the act in the first place.

If you ask if it works perfectly that way, the answer is no. I have a specific instance where one person has experienced four profound religious experiences within a two-year time span. The taxes have gone back and forth. There are a number of other instances in which it would appear there is at best a gerrymandering of the tax rolls.

Initially, we did not have complete acceptance within the jurisdiction with 190 people in each location interpreting board policy. While the Catholics were to be welcomed into our system as full-fledged citizens, there were many principals who felt that if a child showed up in a class where they had a very light enrolment they should take the child in, but if it was in a class where the grade configuration was such that the class was full, they should not. In other words, we were going to use the Catholics to balance our classes. It took us a while to disabuse principals of that notion. Now they are accepted. We do not ask religion and have not for seven or eight years.

Last year, the Catholic system claimed we had 700 youngsters—we have about 70,000, they have just under 30,000—who crossed boundaries. In other words, 700 who came to our system. We have no way of knowing this since we do not ask the religion. I asked the superintendent the basis for his information, and he said, "You requisitioned 700 cards from our district." I checked it out and he was right, so last summer 700 youngsters, grades 1 through 11, left the Catholic system to come to the public system.

This is very interesting because you usually hear of it going the other way. What has

happened now is that we have a new school act that is being talked about. In the principles for that act, the position maintained by the Catholic school trustees is that just as your religion determines your taxes, they want your religion to determine your taxes and where your child must attend school. There will be no choice on the part of a parent. It is deemed that if a school jurisdiction will sponsor a child out of your jurisdiction that is acceptable but not that the parent have the choice.

**3:50 p.m.**

The argument behind it is that the separate schools are guaranteed in the Constitution, and in order that the minority might retain its separate school status, all members of that minority must attend those schools. If you get that drift of 700 a year, it is only a matter of time—so it is held, but I do not believe this would happen—before the separate school district would no longer exist and therefore the rights of the minority would be jeopardized. I do not believe this would happen. That has not come out in the legislation. We were supposed to have had draft legislation the first week of September, but the current government has found distractions other than education at the moment and it is somewhat time-consuming.

The Catholic system has claimed 4,000 students. We do not know how many. There is a problem I will not go into. With respect to the corporate split, last year the provincial government made some patchwork changes pending the new legislation. For example, Calgary adopted our plan. For years, we did not claim the Catholic students attending in our district, and they did not claim our students attending theirs. We just counted those people as residents. Now it is becoming a major issue in the city because the basis we had followed for some years has been broken by the Catholic jurisdiction, although Calgary is following it and claims the Edmonton system works very well. It does if it is followed. Now we are in dispute of better than \$1 million annually in local taxes on that issue. I come back to the point that money has made a big difference for us with respect to taxes.

Second, there is a competition for students within the jurisdictions to some extent. This is on the part of both of them. I am not saying this is wrong, but it happens.

Third, with the two school jurisdictions, the costs of education are higher. That is not because of the bureaucracies, which have a way of maintaining expenditures whether they are single or double; that seems to be an inescapable law. More money comes about as a result of more

busing. We maintain two school districts super-imposed, so busing distances are longer. A lot of money is spent on the governance issue, particularly with respect to the provincial government. Our provincial costs are much higher as a result of having public and separate districts because the government is much more involved in the interface between the two, and capital management, the capital structures such as buildings, additions and so on, is a very costly item, not from a facilities point of view as much as from the resolution of the issues surrounding facilities.

Another impact of the two school systems is that more things wind up with the provincial ministry, and it not only means a larger ministry but less public control. You may say a provincial ministry is publicly controlled. Yes, it is, but at a distance and more remotely. The more things that wind up in that ministry with the responsibility through the minister, the more you are moving away from the local people.

The political structure is a very complex one. I will not go into it except to indicate the Catholic school trustees in our province are a very strong group as a lobby. In addition, there is no counterpart for the public boards because where we have public boards in jurisdictions in which there is not a Catholic district, we have both Catholics and non-Catholics on the same board. It seems the Catholic boards have a unity of purpose that is not exhibited by other boards.

The next point is that most of the things I have mentioned as problems seem to be of the sort that occupy people's time and detract from what in many cases is the primary purpose or a mission statement of the schools, which is the education of young people. They tend to occupy a lot of the administrative and elected time in those areas, an inordinate amount.

As for working within the communities, I believe ours works amazingly well. There is a lot of co-operation. I have pointed out some things that create the problems. Another good thing for us is that the competition is healthy. You can introduce competition in one jurisdiction and ours has been healthy.

I have gone on at some length. You may have questions. Many things may be different and may not apply to the Ontario scene. I am not projecting solutions.

**Mr. Jackson:** On behalf of the committee, I welcome you to Ontario. I want you to know that the person who suggested to me that you would be an excellent deputant gave me superb advice. Thank you.

I would like to pursue a couple of questions. You talked about your metropolitan council, this group of the four systems in the two major urban centres in your province. What are the kinds of agenda items you discuss if your operational matters are dealt with by your second-level management?

**Mr. Strembitsky:** These would be mostly issues not dealt with satisfactorily and would be connected with the ministry of the provincial government. These would be common to both Edmonton and Calgary. Although this is an informal structure, we meet with the deputy minister every other month as well. We can hear first-hand the reasons the ministry is taking a position. That is part of it. We are also used as a sounding board for some of the proposals the government is considering. The government also uses other groups within the province as sounding boards, but we represent over half of the student population.

**Mr. Jackson:** In your opinion, it would be similar to, say, the Association of Large School Boards in Ontario in this province—the large boards and the kind of voice they have, at least in the eyes of the minister.

**Mr. Strembitsky:** In the eyes of the minister.

**Mr. Jackson:** You would therefore talk about such items as this bill you have us intrigued with, this access bill for schools. Could you expand a bit on that? What gave it its birth?

**Mr. Strembitsky:** Which access bill? Help me.

**Mr. Jackson:** You made reference to an act which is currently being considered in the province, an amendment to the act.

**Mr. Strembitsky:** It is a whole new school act. This has not come forward in legislation, but was a principle. The idea was that if a child is of a public school system, a parent could determine whether he should attend a public, separate or private school. If a child was born into the separate system, the system could determine that but the parent could not. The issue was that in a separate system, a parent might not even be able to send his child to a private school. But they have begun to back off that one.

**Mr. Jackson:** I want to pursue that. In what form is that? Is that a new act? Where is it?

**Mr. Strembitsky:** The provincial government published some documents. The first one was *Partners in Education*. The second one was the *Principles of the Partnership* and the third was to be the actual draft legislation. The purpose was to get reaction. The second one certainly got a fairly

strong reaction. I do not know whether it would have been incorporated into the first draft. I do not want to say it is a government position yet.

**Mr. Jackson:** There is no first draft floating around for examination. You have gone to stage 2 in the discussion—

4 p.m.

**Mr. Epp:** Is that a green paper or a white paper?

**Mr. Jackson:** We have a lot of red papers now.

You gave an in-depth explanation about these 700 students, but so it is clear in my mind, are no fees transferred because you are not tracking these students?

**Mr. Strembitsky:** That is right.

**Mr. Jackson:** The area of discrepancy is about \$1 million. What is the total budget of your jurisdiction right now?

**Mr. Strembitsky:** In our jurisdiction the total this year is \$282 million. Two thirds of that is from the province. Actually, it is slightly less; \$100 million was raised locally and \$182 million from the province.

If I might explain, this is a very difficult one, because there are a number of people who have held that we have no right in the public system to educate Catholic students. We have had this checked out from several legal sources and we do have that right. Indeed, we have a duty; the minister could order us to.

But now the issue has come to the fore: we are raising about \$4 million locally that is spent on the education of Catholic students because the tax base does not come over. So some of the public school supporters are saying that is \$4 million that could be spent on the education of non-Catholic students. It is starting to heat up as a bit of a controversy.

To show you how pure we are with this, I am aware of an instance recently where a Catholic family moved into town. They had two children, both enrolled in the Catholic system. They felt one needed special programming and did not get it. The child came across to our system and was put into a program that was about four times the cost of a regular program. Today, the child with the regular program is in the Catholic system and the child who is in a program that costs four times as much is with us. It begins to test one's commitment to one's ideals.

**Mr. Jackson:** You talked about areas where the two boards would meet and work administratively, the athletics and busing areas. Are there any grants in your province which are tied

directly or target promoting co-operation? Are there incentive grants? There are two ways to get groups to co-operate; one is to penalize them and the other is to give them bonuses. Is either in existence in the ministry's approach in your province?

**Mr. Strembitsky:** No. We would be against those because we feel that working together is promoted by a third one, which is common sense and we do not want that legislated.

**Mr. Allen:** I would like to thank Mr. Strembitsky for giving the outline he has of the rather fascinating structure of the Edmonton board and the context in which it functions within Alberta.

You have made a number of allusions to the separate board, which is your coterminous board in that area. Could you perhaps give us a bit of a description of its size and scale and the programming it offers, any salient comparisons or differences that are notable, just to give us a sense of what you are working with there?

**Mr. Strembitsky:** Now the biases are even stronger and more suspect.

The Catholic system in Edmonton is the largest in the province and the ratio of students is much higher, because Edmonton and Calgary have two very different histories. Edmonton has a central European background whereas Calgary is the last great frontier town from south of the 49th. In Calgary, the public system has 85,000 students and the separate has fewer than 12,000. With us, the public has 70,000 students and the separate about 25,000. So it is a fairly large system. By the way, I am going to say it is a very responsive system. They are not going to sit back and watch 700 students drift across year after year without doing something. They will respond.

**Mr. Allen:** Is their range of programs at all comparable to yours? You have described the number of alternative schools, which is excessively rich by most board standards. I should not say "excessively"; I should say exceedingly rich.

**Mr. Strembitsky:** Theirs would be somewhat less. On the other hand, they have some very unique programs. For example, whereas we have a range of bilingual programs, they have a francophone program they instituted before we did. Of course, that is an issue right now. They have quite a good range, although there is a very strong feeling that in the area of special education programming we are much higher than they are. I am talking about the various multisensory handicapped and all those people. Indeed, they

sponsor some of their youngsters to come into our jurisdiction.

**Mr. Allen:** I was going to ask whether much of that happened on this program basis or whether there was any mutual agreement with respect to offering one kind of program in one board context and another in another context so you do not run head-to-head on some of them.

**Mr. Strembitsky:** There is very little between the two jurisdictions. What happened is we passed a policy and said we would go for mutual reciprocity. For whatever reason, they have chosen not to reciprocate. If they sponsor a child into a multisensory handicapped program, and, for example, we have some in which the costs are \$20,000 a year, it would cost that jurisdiction \$20,000 a year to sponsor the child.

However, if they do not provide the program and the parent comes across to our district, not district-sponsored but as a parent, it does not cost the district anything because we do not charge the parent. We believe most of the youngsters are not coming in through board sponsorship. Rather, the availability of program is denied in the district and then they come across. Ours is a unique relationship. Other jurisdictions do not do that.

**Mr. Allen:** Is there any move in your setting to find ways of coping with that, of redressing that?

**Mr. Strembitsky:** At the political level, we have several trustees who are interested in it. I will be filing a report within six months. It goes back to some basic things such as asking people their religious persuasion, and we have prided ourselves on not doing that.

**Mr. Allen:** I sense it also probably fits in somewhat with your fairly aggressive, open-boundaries policy.

**Mr. Strembitsky:** Yes.

**Mr. Allen:** I guess your openness is the penalty you pay for the good things you get on the other side.

I come to the question of any legislation that governs or affects the hiring of teachers in the separate system. In Ontario, as you may know, the Human Rights Code lays down certain across-the-board requirements with regard to nondiscrimination in virtually every practice in the province, and hiring is one of them. However, there is a provision with respect to the constitutional standing of the separate system as it has existed, whereby discrimination with respect to religion is waived with regard to the hiring of teachers in the separate system. Is there any similar arrangement? Do you have an

Alberta code and commission? Do they have any exemptions for the separate system?

**Mr. Strembitsky:** In response to the question, I heard the observation with respect to the teaching staff and also other staff and I want to check it out. With us, religious persuasion very definitely is not only an acceptable criterion but also it now has been held that it is a valid criterion in cases of redundancy, where you have to let people go. Indeed, I believe the wording is not only that one be Roman Catholic, but also that it is valid that a practising Roman Catholic has a higher priority than a Roman Catholic. It is very much a criterion in the hiring of people and it does not contravene any of the codes or rights.

4:10 p.m.

**Mr. Allen:** Is that a matter of court judgement or a matter of law?

**Mr. Strembitsky:** I believe this one has been tested in the courts and it is because of the provisions of the Alberta Act of 1905 that it took precedence over.

**Mr. Allen:** I see, so it relates back to the constitutional grounding of the system.

**Mr. Strembitsky:** That is right.

**Mr. Allen:** I am probably going to ask you a lot of questions about the separate system and I know that is not your first line of knowledge. Are there significant numbers of non-Catholic teachers in the separate system in Edmonton?

**Mr. Strembitsky:** I believe there are not.

**Mr. Allen:** Is this a problem the teachers' federation has highlighted and is especially concerned about?

**Mr. Strembitsky:** No, it is not a problem. We have the advantage of having grown up with the system; if a system has grown up with an entirely Catholic teaching staff, it is not a problem.

We have another problem, to the extent it is one. That is to respond to the following—a very personal case that occurred this year:

Question: "Dad, does the public system hire Catholics?"

Answer: "I do not know."

Question: "What do you mean you do not know?"

Answer: "We do not ask the religion of people who apply. But probably we do hire them if you take the distribution norm of the population—yes, we probably have Catholics."

Question: "Does the Catholic system hire non-Catholics?"

Answer: "No."

Question: "Therefore, if I am Catholic I get two chances at employment. If I am not, only one chance."

Answer: "Yes."

Question: "Then Dad, how do I become a Catholic?"

**Mr. Jackson:** A practising Catholic.

**Mr. Strembitsky:** A practising Catholic.

**Mr. Allen:** So you are saying the observation is there, but there is not a lot of noise about it because it has been there for—

**Mr. Strembitsky:** It is accepted in the Catholic jurisdiction that this is a criterion and a limiting one. With the very tight employment in some cases, people are saying this and it should be the countervailing factor. Indeed, in our jurisdiction, 30 years ago that was it. The Catholics taught in the Catholic system and the non-Catholics in the other. I found myself in one system as opposed to the other as a result of this.

**Mr. Allen:** You are saying there is a perception of unfairness—at least on the part of a proportion of the profession—but at the same time there is constitutional grounding for the practice.

**Mr. Strembitsky:** An acceptance.

**Mr. Gillies:** Mr. Strembitsky, I know private schools are one thing you deal with very differently in Alberta from the way we do in Ontario. That I think becomes part of the whole mix we are discussing. Could you tell us just a bit about that?

**Mr. Strembitsky:** At present we have four categories of private schools. A position paper is out now that would place all private schools into two categories. Essentially they are the following: In one category there would be a provincially approved curriculum and these schools would receive about 75 per cent of what we call the foundation program funds and no capital funds.

The other category is being severely criticized right now. In effect, the real question amounts to whether or not these are schools. The institutions in this category are registered with the ministry and meet the health and fire safety requirements. Students can attend them and they are open to inspection by the minister but there is no funding.

**Mr. Gillies:** In the first category you mentioned, can the parents direct that portion of their property tax for education to the private schools?

**Mr. Strembitsky:** No.

**Mr. Gillies:** So the school receives a grant but the parent still pays into the public system?

**Mr. Strembitsky:** That is right. The schools receive some 75 per cent of the student grant from the provincial ministry but they do not receive any of the local taxes.

**Mr. Gillies:** So their funding comes from the ministry.

One concern we often hear expressed—we have not heard it in this debate but I am sure we will in the upcoming one when the Shapiro commission reports on private schools in this province—is the argument that by channelling public funds into these various school systems, one fragments the public system.

Could you tell us whether in your opinion this has been the experience in Alberta? How long have you been funding the private schools and what effect do you think it has had?

**Mr. Strembitsky:** My experience goes back to 1955 when we were funding private schools. There was a rapid extension of that in the early 1970s to the present 75 per cent. I think the government was aiming at about 80 per cent. I want to be careful about this because we who are in the public system say 80 per cent of the funding, but it is 80 per cent of the operating costs. Neither the capital nor the local tax base is in that.

**Mr. Gillies:** As the funding for these nonpublic systems has increased, I would assume the number of students attending these schools has increased. Has that held?

**Mr. Strembitsky:** Not markedly. If you take a short-term span of a couple of years, people can show you that the number has almost doubled within a five-year span. But over the years, I believe we still have less than 2.5 per cent of our youngsters attending private schools and so, at 97.5 per cent, the monopoly is still very intact.

**Mr. Gillies:** Very well. Alberta's experience would seem not to substantiate the argument that the public system is splintered because of this type of funding.

**Mr. Strembitsky:** That is right. The bigger issue, of course, is what happens to that funding in the long run, because our experience has been that once you start paying, the demand for more and ultimately full funding cannot be far behind. We have community groups who do this to us regularly. We pick up a partial responsibility and once that is established, then we move on from there.

**Mr. Gillies:** Okay, thank you.

**Mr. Reyecraft:** You made the comment that you feel the dual system is more expensive. Are you able to tell us a bit more about the cost of

education in Edmonton on a per student basis and in the province generally?

**Mr. Strembitsky:** I am going by round numbers. With about 70,000 youngsters and \$282 million, you have about \$4,000 per student operating costs.

**Mr. Reyecraft:** That is Edmonton.

**Mr. Strembitsky:** That is Edmonton.

**Mr. Reyecraft:** Is that typical of the province?

**Mr. Strembitsky:** That would probably be typical of the province because the rural areas may be somewhat lower in places, but their transportation costs are much higher.

**Mr. Reyecraft:** Is there a difference in the cost between the Catholic system and the public system?

**Mr. Strembitsky:** There is a difference in cost, a slight difference, and a good part of that is due to the kinds of programs we provide. I have indicated to you that we provide a number of very specialized programs.

**Mr. Reyecraft:** You mentioned that the boards co-operate on transportation. Is it funded to the same extent that other costs of education are with the two thirds-one third?

**Mr. Strembitsky:** Again, I would say yes, very close to that.

**Mr. Reyecraft:** Could you tell us a bit more about how you actually implement that co-operative transportation system. How do you make it work?

**Mr. Strembitsky:** One of the difficulties of this is that the issue here is that you are moving into something different and you have a system in place. We grew up with it. We had two systems all the way through before there was transportation. It is that simple. So then, as soon as students moved into an outlying area and we provided transportation, it made sense to use the same bus.

The reason I say it is particularly to their advantage is that if they collect one third of the student body, they would have to run their buses either one third the size or three times the distance to make it economical. It just makes sense that we pick people up along the route all the way through. There is no difference.

**Mr. Reyecraft:** Do you divide the cost on the basis of the number of students?

4:20 p.m.

**Mr. Strembitsky:** What happens to us on costs—and again this is why it is a unique situation with us—is that we have instituted a system and find that in most cases when we institute a system, the Catholic system does

likewise, whether we are setting mill rates, budgets or what have you.

Our jurisdiction takes all of the provincial funds applied to transportation—I am talking now about an urban area; this is not generally the case in the province—and the remaining costs are borne by the children who require transportation, with the exception that the board undertakes to provide a neighbourhood elementary school.

If you do not have a neighbourhood elementary school, kindergarten through grade 6, and transportation is provided, it is paid for in total by the board. Otherwise, anybody who chooses to cross a boundary or attend a junior or senior high school where he needs bus transportation, makes the decision as to whether to take transportation or not and pay the monthly charge. So it is not subsidized by either board. In our case right now, bus passes are \$9 per child per month.

**Mr. Reycraft:** Going back to my previous question, you said the costs in the public system were slightly higher because of extra programs. Does that have any effect on designation of taxes?

**Mr. Strembitsky:** No, the tax rate is the same because it is set by the mill rate. We set our mill rate first and they follow within hours in setting their mill rate. Our history has been that they have never set a different mill rate. There are one or two jurisdictions that dared to set mill rates different by about four mills; I think that was the extreme. At that point, corporations began to experience the same things some individuals do.

**Mr. Reycraft:** Those profound changes in the mill rate?

**Mr. Strembitsky:** That is right.

**Mr. Reycraft:** This business of being able to change the designation of taxes, is that easily done?

**Mr. Strembitsky:** Legally, no; religiously, yes, if it is a genuine religious conversion. But what happens is that the published forms, for the most part, ask for supporters. If you show up at the city assessor's office saying, "I am a Catholic school supporter," that is not questioned. In some cases people claim they have changed taxes. We found people who have had their children come to our system and have been adamant that they were going to change taxes to the public system, even though they were Catholic. Some people come in and say, "I managed to do it; I am a public school supporter." My point is that this is not legal.

**Mr. Reycraft:** But if one says he is non-Catholic, nobody challenges that.

**Mr. Strembitsky:** My point is that we have a lot of evidence to indicate it is not challenged in a number of instances, and in some cases the information that has been put out by the school jurisdictions is misleading.

**Mr. Reycraft:** Do you know what percentage of the province is Catholic, generally?

**Mr. Strembitsky:** No.

**Mr. Reycraft:** What about the total number of students across the province; do you know?

**Mr. Strembitsky:** No, but I could supply this to the committee. I know there are about 440,000 in the province and I could get the ratio. We have had rapid growth in separate districts within the last 10 years because of various government programs that made it attractive for them to do so. I am speaking primarily of rural areas.

My reference to costs was not costs to the separate system, it was costs because of two systems. If I left the impression that Catholic jurisdictions cost more that is not the intent I meant to convey.

**Mr. Reycraft:** No, I did not get that meaning from it.

Could you tell us a bit about the size of secondary schools in Edmonton and in the province?

**Mr. Strembitsky:** We have two levels of secondary; I will deal with the grades 10 through 12 or 10 through 13. The largest one we operate right now, this year, would be 2,200 students. The smallest is an academic school that has no resident population and never did. The 13 schools range all the way from 280 to 2,200.

Most of our high schools have been in the range of 1,000 plus; between 800 and 1,000, and then we have a group around 1,500.

**Mr. Reycraft:** One last question: are religious education courses in the Roman Catholic system mandatory?

**Mr. Strembitsky:** Yes; but also they have had instances in which parents, on behalf of youngsters, have requested that their children receive no religious instruction; and the schools have had to meet that requirement. In other words, there are exemptions from religious instruction.

**Mr. Guindon:** Mr. Strembitsky, my question comes from what you said towards the end of your presentation, if I may call it that, and it is of some concern in my area and some concern outside my area. It is in regard to the lobby group. How powerful is it? You mentioned it was a strong and powerful lobby group. Can you expand on that?

**Mr. Strembitsky:** It is the trustee organization, and this is nothing new to Ontario from what I hear. In our trustee organization there is one group in the entire province, the Alberta School Trustees' Association. There is a second group now, the Alberta Catholic School Trustees' Association, and so when there is an annual convention the Catholic group meets two days prior and they hold their own convention, and so on. It is a very strong, well organized group. In a number of instances they have moved, in fairness to them, into almost a kind of a vacuum situation. They have been very effective and have worked up an excellent program; with members of the Legislative Assembly; they have been very instrumental in that.

Other people are now beginning to do the flip side of that. The reason I made that reference is because, with one exception I believe, there is nobody who has come out with a counter position. There is a group in Calgary now that has taken out full-page ads with the idea of public education as opposed to the private schools or the separate schools. With that one exception, the Alberta School Trustees' Association certainly attempts to cover the waterfront. Over the years it has done a very good job of it, but it is being pressured now by a number of the boards that feel the Catholic organization has been extremely effective in putting its case forward.

**Mr. Guindon:** Does its lobbying go beyond the education field?

**Mr. Strembitsky:** I believe it is in education. I think it is an education lobby.

**Mr. Guindon:** Is it positive? I guess it all depends where you stand.

**Mr. Strembitsky:** That is right. Again, if I convey the impression they have no right to do so or anything, that is not what I am saying; on the contrary.

**Mr. Epp:** Mr. Strembitsky, I appreciate your comments today and I just want to get a clarification. I know you indicated to Mr. Reycraft you really did not know what proportion of the province was Catholic. You must have a general idea. Is it 20 per cent or 25 per cent?

**Mr. Strembitsky:** In the city of Edmonton I know it is closer to 30 per cent. In the case of Calgary, it is far less. I would prefer to get the figures for the province because the provincial government would have this. I will provide a breakdown where there are public and separate and then where there is only the public and you can interpolate.

4:30 p.m.

**Mr. Epp:** Okay; I appreciate that. You spoke earlier about the private school system and you indicated there were four categories of private schools.

**Mr. Strembitsky:** Right.

**Mr. Epp:** You delineated two of them. You did not delineate the other two, unless I missed it.

**Mr. Strembitsky:** What is happening is the four are supposed to go down to two, and I have listed only the two they now propose.

**Mr. Epp:** I see.

**Mr. Strembitsky:** Previously we had various categories. One dealt largely with the special education institutions; areas where at one time public schools did not take on a responsibility, be they the trainable mentally handicapped or persons of this type. Then there were others that were largely the religious denominational schools, and they had various levels of provincial requirement for certification and so on. There were the four categories.

**Mr. Epp:** With respect to the Catholic and the non-Catholic schools across the province, are they generally spread right across the province? I know you are responsible for Edmonton, but you must have some idea what is going on in the rest of the province.

**Mr. Strembitsky:** At this point I would say that any jurisdiction of any size in the province does have a separate school. I am aware of only two instances in which people have tried to set up a separate school district and it was voted down, because they must have an election.

**Mr. Epp:** They must have election of trustees?

**Mr. Strembitsky:** Once a separate district is established, if a sufficient number of ratepayers petition there is a vote on whether the district continues. I am aware of two that have been disbanded.

**Mr. Epp:** So in order to have a separate school you have to have a certain proportion of the people within that district who are going to direct their taxes towards the separate schools.

**Mr. Strembitsky:** That is right.

**Mr. Epp:** Do you know what it is?

**Mr. Strembitsky:** No, but I can get it.

**Mr. Epp:** That would be interesting.

**Mr. Strembitsky:** By the way, the minister has discretion over whether he will set up a separate district or not, but he has acceded to almost every request.

**Mr. Epp:** Where they meet that particular formula he has acceded to it.

I just want to get into taxes and assessment for a moment. Is there any distinction among residential, industrial and commercial assessment as far as the support for the public school board and the separate or Catholic school board is concerned?

**Mr. Strembitsky:** There is no difference. The mill rate is the same for public and separate. The residential is one category, but there are differences when you get to the commercial. Again, city fathers levy the taxes; they collect the taxes. The city can impose one tax from which we do not get any revenue for schools, and it is called a business tax.

The end result of this has been that recently our city fathers do not have a machinery tax or anything, and the property tax is somewhat lower, but they are upping the business taxes very substantially.

**Mr. Epp:** That goes towards the city of Edmonton but not towards the school boards.

**Mr. Strembitsky:** Neither one of the school boards; right.

**Mr. Epp:** What about the education portion of assessment on industrial and commercial property?

**Mr. Strembitsky:** Again, it is based on the ownership of the corporations.

**Mr. Epp:** The corporation decides its—

**Mr. Strembitsky:** Its religion.

**Mr. Epp:** —its religion.

**Mr. Strembitsky:** Except that, as I indicated, the separate board can serve notice that it wants the ratio, that it has students in the district, say with 30 per cent.

**Mr. Epp:** What about a mutual company?

**Mr. Strembitsky:** Again—

**Mr. Epp:** What about a mutual insurance company, if you had a head office there?

**Mr. Strembitsky:** Again, it is exactly the same thing. Those corporations can be served notice, and unless they object to it their taxes go in the ratio of 30 to 70. Then if you do not go 30 to 70, the onus is on you to prove you are of the religion you claim to be.

**Mr. Epp:** How could you prove that?

**Mr. Strembitsky:** That indeed is part of the dispute.

**Mr. Epp:** How many Solomons do you have there?

**Mr. Strembitsky:** I tell you taxes are a problem. In some ways, it has very little to do with the total education, which works well. We wind up with an assessor's office in a school jurisdiction, filing notices and all the kinds of things. That is the one aspect for which I hope you can come up with something better.

**Mr. Epp:** With respect to school sizes, you mentioned in Edmonton you have 13 schools, which I presume are secondary—

**Mr. Strembitsky:** These would be grades 10 through 12 or 13.

**Mr. Epp:** Thirteen?

**Mr. Strembitsky:** Grades.

**Mr. Epp:** Including kindergarten. Do you still have a grade 13?

**Mr. Strembitsky:** No, I mean grades 10 through 12, that is where we have the schools of which I gave you the sizes. We operate 190 schools, and many of our others—I can give you the size of those and, believe me, I left you with the wrong impression. We operate the greatest number of the smallest schools of any jurisdiction on the continent. We have a significant number with fewer than 100 youngsters. The communities want to support them. I want to tell you about our success in the closing of schools. We have very small schools in the K through grade 6 area.

**Mr. Epp:** I guess the question is not really applicable then, because I was going ask about a viable secondary school as far as size was concerned, but you have them all in such a real spaghetti mixture here.

**Mr. Strembitsky:** If I might be allowed?

**Mr. Epp:** You are.

**Mr. Strembitsky:** The work that has been done on size of schools indicates most people, if they feel their schools are too large, think the right size is about 25 per cent fewer than what they have. Other people who feel they cannot offer what they want as programs want about 25 per cent more than they have, to make it viable. Our schools have gone from 2,700 to 2,000 because we felt 2,700 was too big. Several years ago we had people return from an international convention in Chicago where they had studied this. They came back with the ideal size of schools as 4,500 because the average in Chicago at the time was 6,000. For us it was a problem at 2,700. That is somewhat flippant but I am far enough away from home to give it to you.

**Mr. Epp:** I taught in a school of anywhere from 700 to 2,000 and I always thought the right size was about 1,500. There you go.

**Mr. Strembitsky:** It is an interesting observation, because we have readings for every school in our district. Some of our largest are the ones in which students say they have the greatest personal identity, people care more, etc. than in some of our very small ones. We are getting into an area of a performance measure, not size.

**Mr. Epp:** As opposed to the program selection as well.

**Mr. Strembitsky:** Yes.

**The Vice-Chairman:** I think the next time the Windsor board tries to close an elementary school in my riding we are going to try to get you as an expert witness.

I want to very sincerely thank you—I am sorry; did you have a question, Mr. Allen?

**Mr. Allen:** In the Saskatchewan presentation we were told there were a number of schools there operated on the composite model, with joint management boards. Has anything in that style been undertaken in Alberta?

**Mr. Strembitsky:** In one sentence: to this point, no. The last high schools we and the separate board built were to be joined by a common recreation facility operated by the city, but when we got to the short strokes there are spaces between each of the three buildings. We have had a recent proposal that has nothing to do with education to see if we and the separate board would house a new elementary school in a new subdivision under one roof. We will probably go with it, but the separate board, to this point, has been the one that has not wanted to be under the same roof.

**Mr. Allen:** With regard to the Hebrew school, does it function on the same principle of religion in the last half hour of the day? Did you say it had been with you for 60 years?

**Mr. Strembitsky:** It was a private school for 60 years and for about eight years now it has been a public institution with a community or public involvement in the same way as any other school in the district. We had some conditions, and one was that it have open enrolment, that it not seek converts and things of that type. It is a super school.

**Mr. Allen:** It has worked well with you.

**Mr. Strembitsky:** Yes.

**Mr. G. I. Miller:** Because of Alberta's layout and population, you are speaking basically about Calgary and Edmonton. Are there many separate schools in the rural areas?

**Mr. Strembitsky:** Yes.

**Mr. G. I. Miller:** Do they share facilities?

**Mr. Strembitsky:** I cannot answer that. I believe that is where the government is headed, trying to get shared facilities, but I do not believe we have had extensive shared facilities, if any. I will check how many we have now. I apologize for not having that.

**Mr. G. I. Miller:** As a final question, are many of the smaller schools in the rural area? Were you speaking about the city?

**Mr. Strembitsky:** We now have a greater number of small schools in the cities because the rural places have busing and people have accepted busing. In the city, people still want to be able to walk to school from kindergarten to grade 6. To give you an extreme, we had a school of 17 youngsters that finally closed itself down.

**The Vice-Chairman:** I again thank you for coming before the committee. We appreciate your coming the distance. It has been quite helpful.

For the information of the committee members, you have all received notice in the mail that the Lieutenant Governor is going to be sworn in on the same day and at the same time we had scheduled the former Premier to come before the committee. The latest information is that the Lieutenant Governor's swearing in will now be changed to 11 o'clock in the morning, and that there will be an arrangement that the former Premier will be before the committee earlier that day. We are not sure whether it will be 9 a.m. or 9:30 a.m. Those arrangements are still being worked out, but we will still have the former Premier before the committee that morning.

The committee recessed at 4:42 p.m.

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 Reville, D., Acting Chairman (Riverdale NDP)  
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### From the Etobicoke Board of Education:

Raymond, M., Chairman  
 Sauro, S. S., Director of Education and Secretary-Treasurer

### From the Rivercrest Home and School Association:

Kingsley, H.  
 Twynam, K., President  
 Strembitsky, M., Superintendent of Schools, Edmonton Board of Education















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